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CONSTITUTION

—OF THE—

STATE OF LOUISIANA

ADOPTED IN CONVENTION

—AT THE—

CITY OF NEW ORLEANS,

MAY 12, 1898.

BY AUTHORITY.

M. J. HEARSEY, CONVENTION PRINTER.
NEW ORLEANS, LA.:
1898.

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CONSTITUTION OF LOUISIANA.

PREAMBLE.

We, the people of the State of Louisiana, grateful to Almighty God for the civil, political and religious liberties we enjoy, and desiring to secure the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

Art. 1. All government, of right, originates with the people, is founded on their will alone and is instituted solely for the good of the whole. Its only legitimate end is to secure justice to all, preserve peace and promote the interest and happiness of the people.

Art. 2. No person shall be deprived of life, liberty or property, except by due process of law.

Art. 3. No law shall ever be passed to curtail or restrain the liberty of speech or of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Art. 4. Every person has the natural right to worship God, according to the dictates of his conscience, and no law shall be passed respecting an establishment of religion.

Art. 5. The people have the right peaceably to assemble and apply to those vested with the powers of government for a redress of grievances by petition or remonstrance.

Art. 6. All courts shall be open, and every person

for injury done him in his rights, lands, goods, person or reputation shall have adequate remedy by due process of law and justice administered without denial, partiality or unreasonable delay.

Art. 7. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Art. 8. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

Art. 9. In all criminal prosecutions the accused shall have the right to a speedy public trial by an impartial jury; provided, that cases in which the penalty is not necessarily imprisonment at hard labor, or death, shall be tried by the court without a jury or by a jury less than twelve in number, as provided elsewhere in the Constitution; provided further, that all trials shall take place in the parish in which the offense was committed, unless the venue be changed. The accused in every instance, shall have the right to be confronted with the witnesses against him; he shall have the right to defend himself, to have the assistance of counsel, to have compulsory process for obtaining witnesses in his favor. Prosecutions shall be by indictment or information; but the Legislature may provide for the prosecution of misdemeanors on affidavits; provided, that no person shall be held to answer for a capital crime unless on a presentment or indictment by a grand jury, except in cases arising in the militia when in actual service in time of war or public danger; nor shall any person be twice put

in jeopardy of life or liberty for the same offense, except on his own application for a new trial, or where there is a mistrial, or a motion in arrest of judgment is sustained.

Art. 10. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him; and when tried by jury shall have the right to challenge jurors peremptorily, the number of challenges to be fixed by law.

Art. 11. No person shall be compelled to give evidence against himself in a criminal case, or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this Constitution.

Art. 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. All persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor.

Art. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

Art. 14. The military shall be in subordination to the civil power.

Art. 15. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed.

DISTRIBUTION OF POWERS.

Art. 16. The powers of the government of the State of Louisiana shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative to one,

those which are executive to another, and those which are judicial to another.

Art. 17. No one of these departments, nor any person or collection of persons holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

APPORTIONMENT.

Art. 18. Representation in the House of Representatives shall be equal and uniform and shall be based upon population. Each parish and each ward of the City of New Orleans shall have at least one representative. At its first regular session after the United States census of 1900, and after each census thereafter, the General Assembly shall, and it is hereby directed to apportion the representation among the several parishes and Representative Districts on the basis of the total population shown by such census. A representative number shall be fixed, and each parish and Representative District shall have as many Representatives as such representative number is contained in the total number of the inhabitants of such parish or Representative District and one additional Representative for every fraction exceeding one-half the representative number. The number of Representatives shall not be more than one hundred and sixteen nor less than ninety-eight.

Art. 19. The General Assembly, in every year in which it shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. Whenever a new parish is created, it shall be attached to

the Senatorial District from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than forty-one nor less than thirty-six, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts.

Art. 20. Until an enumeration shall have been made in accordance with Articles 18 and 19, the State shall be divided into the following Senatorial Districts, with the number of Senators hereinafter apportioned to each district:

The First Senatorial District shall be composed of the First and Second Wards of the Parish of Orleans, and shall elect one Senator;

The Second Senatorial District shall be composed of the Third Ward of the Parish of Orleans, and shall elect one Senator;

The Third Senatorial District shall be composed of the Fourth, Fifth, Sixth and Seventh Wards of the Parish of Orleans, and shall elect two Senators;

The Fourth Senatorial District shall be composed of the Eighth and Ninth Wards, of the Parish of Orleans, and of the Parishes of St. Bernard and Plaquemines, and shall elect two Senators;

The Fifth Senatorial District shall be composed of the Tenth Ward, and shall elect one Senator;

The Sixth Senatorial District shall be composed of the Eleventh, Twelfth, Thirteenth and Fourteenth Wards, and shall elect two Senators;

The Seventh Senatorial District shall be composed of the Fifteenth, Sixteenth and Seventeenth Wards, and shall elect one Senator;

The Eighth Senatorial District shall be composed of

the Parishes of Jefferson, St. Charles and St. John the Baptist, and shall elect one Senator;

The Ninth Senatorial District shall be composed of the Parishes of St. James and Ascension and shall elect one Senator;

The Tenth Senatorial District shall be composed of the Parishes of Terrebonne, Lafourche and Assumption, and shall elect two Senators;

The Eleventh Senatorial District shall be composed of the Parishes of St. Mary and Vermilion, and shall elect one Senator;

The Twelfth Senatorial District shall be composed of the Parishes of Cameron and Calcasieu, and shall (elect) one Senator;

The Thirteenth Senatorial District shall be composed of the Parishes of St. Martin, Iberia and Lafayette, and shall elect two Senators;

The Fourteenth Senatorial District shall be composed of the Parishes of St. Landry and Acadia, and shall elect two Senators;

The Fifteenth Senatorial District shall be composed of the Parishes of Avoyelles and Pointe Coupee, and shall elect one Senator;

The Sixteenth Senatorial District shall be composed of the Parishes of Iberville and West Baton Rouge, and shall elect one Senator;

The Seventeenth Senatorial District shall be composed of the Parishes of East and West Feliciana, and shall (elect) one Senator;

The Eighteenth Senatorial District shall be composed of the Parish of East Baton Rouge, and shall elect one Senator;

The Nineteenth Senatorial District shall be composed of the Parishes of St. Helena, Livingston, Tangipahoa, Washington and St. Tammany, and shall elect two Senators;

The Twentieth Senatorial District shall be composed of the Parishes of Rapides and Vernon, and shall elect one Senator;

The Twenty-first Senatorial District shall be composed of the Parishes of Natchitoches, Sabine, DeSoto and Red River, and shall elect two Senators;

The Twenty-second Senatorial District shall be composed of the Parish of Caddo, and shall elect one Senator;

The Twenty-third Senatorial District shall be composed of the Parishes of Webster and Bossier, and shall elect one Senator;

The Twenty-fourth Senatorial District shall be composed of the Parishes of Bienville and Claiborne, and shall elect one Senator;

The Twenty-fifth Senatorial District shall be composed of the Parishes of Union, Lincoln, Morehouse and West-Carroll, and shall elect two Senators;

The Twenty-sixth Senatorial District shall be composed of the Parishes of Ouachita and Jackson, and shall elect one Senator;

The Twenty-seventh Senatorial district shall be composed of the Parishes of Winn, Caldwell and Grant, and shall elect one Senator;

The Twenty-eighth Senatorial District shall be composed of the Parishes of East Carroll and Madison, and shall elect one Senator;

The Twenty-ninth Senatorial District shall be composed of the Parishes of Tensas and Concordia and shall elect one Senator;

The Thirtieth Senatorial District shall be composed of the Parishes of Richland, Franklin and Catahoula, and shall be entitled to one Senator;

Thirty-nine (39) Senators in all.

And the Representatives shall be apportioned among the parishes and Representative districts, as follows:—

For the parish of Orleans:

First Representative District, First Ward, one Representative;

Second Representative District, Second Ward, two Representatives;

Third Representative District, Third Ward, three Representatives;

Fourth Representative District, Fourth Ward, one Representative;

Fifth Representative District, Fifth Ward, two Representatives;

Sixth Representative District, Sixth Ward, one Representative;

Seventh Representative District, Seventh Ward, two Representatives;

Eighth Representative District, Eighth Ward, one Representative;

Ninth Representative District, Ninth Ward, two Representatives;

Tenth Representative District, Tenth Ward, two Representatives;

Eleventh Representative District, Eleventh Ward, two Representatives;

Twelfth Representative District, Twelfth Ward, one Representative;

Thirteenth Representative District, Thirteenth Ward, one Representative;

Fourteenth Representative District, Fourteenth Ward, one Representative;

Fifteenth Representative District, Fifteenth Ward, one Representative;

Sixteenth Representative District, Sixteenth Ward, one Representative;

Seventeenth Representative District, Seventeenth Ward, one Representative;

The Parishes of Acadia, West Baton Rouge, Bienville, Caldwell, Cameron, East Carroll, West Carroll, Catahoula, Franklin, Grant, Jackson, Jefferson, Lincoln, Livingston, Plaquemines, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Vermillion, Vernon, Washington, Webster and Winn, each, one Representative;

The Parishes of Ascension, Assumption, Avoyelles, East Baton Rouge, Bossier, Calcasieu, Claiborne, Concordia, De Soto, East Feliciana, West Feliciana, Iberia, Iberville, Lafourche, Lafayette, Madison, Morehouse, Natchitoches, Pointe Coupee, Ouachita, Rapides, St. James, St. Mary, St. Martin, Tensas, Terrebonne, Union, each, two Representatives;

The Parishes of Caddo and St. Landry, each, three Representatives.

This apportionment of Senators and Representatives shall not be changed or altered in any manner until after the enumeration shall have been taken by the United States. After the year 1902 the apportionment made in this article shall cease to exist.

GENERAL ASSEMBLY.

Art. 21. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Art. 22. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Louisiana."

Art. 23. The General Assembly shall meet at the seat of government on the third Monday of May, 1898, at 12 o'clock noon, and biennially thereafter, on the second

Monday of May, and the sessions thereof shall be limited to sixty days. Should a vacancy occur in either House, the Governor shall order an election to fill such vacancy for the remainder of the term.

Art 24. Every elector under this Constitution, shall be eligible to a seat in the House of Representatives, and every elector who has reached the age of twenty-five years shall be eligible to the Senate; provided, that no person shall be eligible to the General Assembly unless at the time of his election he has been a citizen of the State for five years, and an actual resident of the district or parish from which he may be elected for two years immediately preceding his election. The seat of any member who may change his residence from the district or parish which he represents shall thereby be vacated, any declaration of a retention of domicile to the contrary notwithstanding; and members of the General Assembly shall be elected for a term of four years.

Art. 25. Each House shall be the judge of the qualifications, elections and returns of its own members, choose its own officers, except President of the Senate, determine the rules of its proceedings, and may punish its members for disorderly conduct and contempt, and, with the concurrence of two-thirds of all its members elected, expel a member.

Art. 26. Either House, during the session, may punish by imprisonment any person not a member who shall have been guilty of disrespect, or disorderly or contemptuous behavior; but such imprisonment shall not exceed ten days for each offense.

Art. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State which may have been created, or the emoluments of which may have been increased by the

General Assembly during the time such Senator or Representative was a member thereof.

Art. 28. The members of the General Assembly shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Art. 29. The members of the General Assembly shall receive a compensation not to exceed five dollars per day during their attendance, and five cents per mile going to and returning from the seat of government.

Art. 30. Each House shall keep a Journal of its proceedings, and cause the same to be published immediately after the close of the session; when practicable, the minutes of each day's session shall be printed and placed in the hands of members on the day following. The original Journal shall be preserved, after publication, in the office of the Secretary of State, but there shall be required no other record thereof.

Art 31. Every law enacted by the General Assembly shall embrace but one object, and that shall be expressed in its title.

Art 32. No law shall be revived, or amended by reference to its title, but in such cases the act revived, or section as amended, shall be re-enacted and published at length.

Art. 33. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall recite at length the several provisions of the laws it may enact.

Art. 34. Not less than a majority of the members of each House of the General Assembly shall form a quorum

to transact business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members.

Art. 35. Neither House, during the sitting of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Art. 36. The yeas and nays on any question in either House shall, at the desire of one-fifth of the members elected, be entered on the Journal.

Art. 37. All bills, for raising revenue or appropriating money, shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

Art. 38. No bill, ordinance or resolution, intended to have the effect of a law, which shall [have] been rejected by either House, shall be again proposed in the same House during the same session, under the same or any other title, without the consent of a majority of the House by which the same was rejected.

Art. 39. Every bill shall be read on three different days in each House, and no bill shall be considered for final passage unless it has been read once in full, and the same has been reported on by a committee; nor shall any bill become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for or against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor; provided, that bills revising the statutes or codes of this State, or adopting a criminal code as a whole, shall be read in such manner as may be prescribed by the General Assembly.

Art. 40. No amendments to bills by one House shall be concurred in by the other, nor shall reports of committees of conference be adopted in either House except

by a majority of the members elected thereto, the vote to be taken by yeas and nays, and the names of those voting for or against recorded upon the Journal.

Art. 41. Whenever a bill that has been passed by both Houses has been enrolled and placed in possession of the House in which it originated, the title shall be read, and, at the request of any five members, the bill shall be read in full, when the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall at once, sign it in open house, and the fact of signing shall be noted on the Journal; thereupon the Clerk or Secretary shall immediately convey the bill to the other House, whose presiding officer shall cause a suspension of all other business to read and sign the bill in open session and without delay. As soon as bills are signed by the Speaker of the House and President of the Senate, they shall be taken at once, and on the same day, to the Governor by the Clerk of the House of Representatives or Secretary of the Senate.

Sec. 42. No law passed by the General Assembly, except the general appropriation act, or act appropriating money for the expenses of the General Assembly, shall take effect until promulgated. Laws shall be considered promulgated at the place where the State Journal is published, the day after the publication of such law in the State Journal, and in all other parts of the State twenty days after such publication. The State Journal shall be published at the capital.

Art. 43. The clerical officers of the two Houses shall be a Secretary of the Senate and Clerk of the House of Representatives, with such assistants as may be necessary; but the expenses for said officials, including the Sergeant-at-Arms, of each House, together with all clerks of committees and all other employes of whatever kind, shall not exceed one hundred dollars daily for the Sen-

ate, nor one hundred and twenty dollars daily for the House, and the Chairman of the Committee on Contingent Expenses of each House shall not issue warrants for any compensation in excess of said amounts; provided, this shall not affect the employes of the present General Assembly. No donation of any unexpended balances shall be made as extra compensation or for any other purpose.

Art. 44. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distribution of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing of the halls and rooms used for the meetings of the General Assembly and its committees, shall be done under contract, to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law.

No member or officer of any of the departments of the government shall be in any way interested in the contracts; and all such contracts shall be subject to the approval of the Governor, the President of the Senate and Speaker of the House of Representatives, or of any two of them.

LIMITATION OF LEGISLATIVE POWERS.

Art. 45. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of receipts and expenditures of all public moneys shall be published every three months, in such manner as shall be prescribed by law.

Art. 46. The General Assembly shall have no power to contract, or to authorize the contracting, of any debt

or liability, on behalf of the State; or to issue bonds or other evidence of indebtedness thereof, except for the purpose of repelling invasion, or for the suppression of insurrection.

Art. 47. The General Assembly shall have no power to grant or to authorize any parish or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, nor pay, nor authorize the payment, of any claim against the State, or any parish or municipality thereof, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

Art. 48. The General Assembly shall not pass any local or special law on the following specified subjects:

For the opening and conducting of elections, or fixing or changing the place of voting.

Changing the names of persons.

Changing the venue in civil or criminal cases.

Authorizing the laying out, opening, closing, altering or maintaining roads, highways, streets or alleys, or relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other State.

Authorizing the adoption or legitimation of children or the emancipation of minors.

Granting divorces.

Changing the law of descent or succession.

Affecting the estates of minors or persons under disabilities.

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury.

Authorizing the constructing of street passenger railroads in any incorporated town or city.

Regulating labor, trade, manufacturing or agriculture.

Creating corporations, or amending, renewing, extending or explaining the charters thereof; provided, this shall not apply to municipal corporations having a population of not less than twenty-five hundred inhabitants, or to the organization of levee districts and parishes.

Granting to any corporation, association, or individual any special or exclusive right, privilege or immunity.

Extending the time for the assessment or collection of taxes, or for the relief of any assessor or collector of taxes from the performance of his official duties, or of his sureties from liability; nor shall any such law or ordinance be passed by any political corporation of this State.

Regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Exempting property from taxation.

Fixing the rate of interest.

Concerning any civil or criminal actions.

Giving effect to informal or invalid wills or deeds, or to any illegal disposition of property.

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes.

Legalizing the unauthorized or invalid acts of any officer, servant, or agent of the State, or of any parish or municipality thereof.

Art. 49. The General Assembly shall not indirectly enact special or local laws by the partial repeal of a general law; but laws repealing local or special laws may be passed.

Art. 50. No local or special law shall be passed on

any subject not enumerated in Article 48 of this Constitution, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the same manner provided by law for the advertisement of judicial sales. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed, and every such act shall contain a recital that such notice has been given.

Art. 51. No law shall be passed fixing the price of manual labor.

Art. 52. Any member of the General Assembly who has a personal or private interest in any measure or bill proposed, or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Art. 53. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship; nor shall any appropriation be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the State Asylum for the Insane and State Institution for the Deaf and Dumb, and State Institution for the Instruction of the blind, and the charity hospitals and public charitable institutions conducted under State authority.

Art. 54. The General Assembly shall have no power

er to increase the expenses of any office by appointing assistant officials.

Art. 55. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the government, interest on the public debt, public schools and public charities; and such bill shall be so itemized as to show for what account each and every appropriation shall be made. All other appropriations shall be made by separate bills, each embracing but one object.

Art. 56. Each appropriation shall be for a specific purpose, and no appropriation shall be made under the head or title of contingent; nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund.

Art. 57. No appropriation of money shall be made by the General Assembly in the last five days of the session thereof. All appropriations, to be valid, shall be passed and receive the signatures of the President of the Senate and the Speaker of the House of Representatives five full days before the adjournment *sine die* of the General Assembly.

Art. 58. The funds, credit, property or things of value of the State, or of any political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, association or corporation, public or private; nor shall the State, or any political corporation, purchase or subscribe to the capital or stock of any corporation or association whatever, or for any private enterprise. Nor shall the State, nor any political corporation thereof, assume the liabilities of any political, municipal parochial, private or other corporation or association whatsoever; nor shall the State undertake to carry on the business of any such corporation or association, or become a part owner therein; provided, the State, through

the General Assembly, shall have power to grant the right of way through its public lands to any railroad or canal; and provided, Police Juries and municipal corporations may, in providing for destitute persons, utilize any charitable institutions within their corporate limits for the care, maintenance and asylum of such persons; and all appropriations made to such institutions for the purpose aforesaid shall be accounted for by them in the manner required of officials entrusted with public funds.

Art. 59. The General Assembly shall have no power to release or extinguish, or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability or obligation of any corporation or individual to the State, or to any parish or municipal corporation thereof; provided, the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them.

Art. 60. No educational or charitable institution, other than the State institutions now existing, or expressly provided for in this Constitution, shall be established by the State, except upon a vote of two-thirds of the members elected to each House of the General Assembly.

EXECUTIVE DEPARTMENT.

Art. 61. The Executive Department shall consist of a Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State.

Art. 62. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of Louisiana. He shall hold his office during four years, and, together with the Lieutenant Governor, chosen for the same term, shall be elected as follows: The qualified electors for Representatives shall vote for

a Governor and Lieutenant Governor at the time and place of voting for Representatives. The return of every election for Governor and Lieutenant Governor shall be made and sealed up separately from the return of election of other officers, and transmitted by the proper officer of every parish to the Secretary of State, who shall deliver them, unopened, to the General Assembly then next to be holden. The members of the General Assembly shall meet on the first Thursday after the day on which they assemble, in the House of Representatives, to examine, tabulate and count the votes evidenced by said returns. The person having the greatest number of votes for Governor shall be declared duly elected; but in case two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by the joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be declared duly elected Lieutenant Governor; but in case two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by the joint vote of the members of the General Assembly.

Art. 63. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, been ten years a citizen of the United States, and resident of the State for the same period of time next preceding his election; or who shall hold office under the United States at the time of or within six months immediately preceding the election for such office; nor shall any person who shall have been elected, qualified and served as Governor under this Constitution be eligible as his own successor; provided, however, that he may again be eligible to the office at the expiration of one or more terms after the term for which he shall have served.

Art. 64. The Governor and Lieutenant Governor shall enter on the discharge of their duties the first Monday next ensuing the announcement by the General Assembly of the result of the election for Governor and Lieutenant Governor; and each shall continue in office until the first Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath, or affirmation, required by the Constitution.

Art. 65. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, disability, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted or the disability be removed. In the event of the removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and Lieutenant Governor, the President *pro tempore* of the Senate shall act as Governor until the disability be removed, or for the residue of the term. If there should be no President *pro tempore* of the Senate, when any of the above mentioned contingencies arise for him to act as Governor, or in the event of the removal, death, resignation, permanent disability, or refusal to qualify, of the President *pro tempore*, the Secretary of State shall act as Governor until a President *pro tempore* be elected, either in regular session, or in specially called session, should the vacancy have occurred during recess; and in the event of the impeachment, or temporary disability, of the President *pro tempore*, acting Governor, the Secretary of State shall likewise act as Governor until the disability be removed, or the impeachment proceedings be terminated in acquittal, or until another President *pro tempore* of the Senate be chosen.

Art. 66. The Lieutenant Governor, or President *pro tempore*, or Secretary of State, discharging the duties of the Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

Art. 67. The Lieutenant Governor shall be *ex-officio* President of the Senate, but shall only have a casting vote therein. The Senate shall elect one of its members as President *pro tempore* of the Senate.

Art. 68. The Lieutenant Governor shall receive for his services a salary of fifteen hundred dollars, payable monthly on his own warrant. In the event of a vacancy in the office of Lieutenant Governor by death, resignation, or any other cause, the President *pro tempore* of the Senate shall fill the office of Lieutenant Governor, performing all the duties incident to the office, and receiving its emoluments.

Art. 69. The Governor shall have power to grant reprieves for all offenses against the State; and, except in cases of impeachment, or treason, shall, upon the recommendation in writing of the Lieutenant Governor, Attorney-General, and presiding Judge of the court before which the conviction was had, or of any two of them, have power in his discretion to grant pardons, commute sentences, and remit fines and forfeitures, after conviction. In case of treason he may grant reprieves until the end of the next session of the General Assembly, in which body the power of pardoning is vested.

Art. 70. The Governor shall receive a salary of five thousand dollars *per annum*, payable monthly, on his own warrant.

Art. 71. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution and whose appointments, or elections, are not herein otherwise pro-

vided for; provided, however, that the General Assembly shall have the right to prescribe the mode of appointment or election to all offices created by it.

Article 72. The Governor shall have the power to fill vacancies that may happen during the recess of the Senate, in cases not otherwise provided for in this Constitution, by granting commissions which shall expire at the end of the next session; but no person who has been nominated for office and rejected shall be appointed to the same office during the recess of the Senate. The failure of the Governor to send into the Senate the name of any person appointed for office, as herein provided, shall be equivalent to a rejection.

Art. 73. He may require information in writing from the officers in the executive departments upon any subject relating to the duties of their respective offices. He shall be Commander-in-Chief of the militia of the State, except, when they shall be called into the actual service of the United States.

Art. 74. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to its consideration such measures as he may deem expedient.

Art. 75. He shall take care that the laws be faithfully executed, and he may, on extraordinary occasions, convene the General Assembly at the seat of government, or, if that should have become dangerous from an enemy or from an epidemic, at a different place. The power to legislate shall be limited to the objects specially enumerated in the proclamation convening such extraordinary session; therein the Governor shall also limit the time such session may continue; provided, it shall not exceed thirty days. Any legislative action had after the time so limited, or as to objects not enumerated in said proclamation, shall be null and void.

Art. 76. Every bill which shall have passed both houses shall be presented to the Governor. If he approves it, he shall sign it; if not, he shall return it, with his objections in writing, to the house in which it originated, which house shall enter the objections at large upon the Journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections to the other house, by which likewise it shall be reconsidered; and if passed by two-thirds of the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journal of each house, respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he signed it, unless the General Assembly, by adjournment, shall prevent its return, in which case it shall not be a law.

Art. 77. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Art. 78. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, or matters of parliamentary proceedings, or an address for removal from office, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed according to the rules and limitations

prescribed for the passage of bills over the executive veto.

Art. 79. The Treasurer, Auditor, Attorney General, and Secretary of State, shall be elected by the qualified electors of the State, at the time and place of voting for Representatives, for the term of four years; and in case of vacancy caused by death, resignation, permanent absence, or otherwise, of any of said officers, the Governor shall fill the vacancy by appointment, with the advice and consent of the Senate; provided, the Secretary of State shall have authority to appoint an assistant, who shall be known as Assistant Secretary of State, *sic* or in case of his disability to act, or under the directions of the Secretary of State, the Assistant Secretary of State shall have authority to perform all the acts and duties of the office of Secretary of State. The Secretary of State shall have authority to remove the Assistant Secretary of State at pleasure.

Art. 80. The Treasurer shall not be eligible as his own immediate successor.

Art. 81. The Auditor of Public Accounts shall receive a salary of two thousand five hundred dollars per annum. The Treasurer shall receive a salary of two thousand dollars per annum. The Secretary of State shall receive a salary of one thousand eight hundred dollars per annum. Each of the said officers shall be paid monthly, and no fees, or perquisites, or other compensation, shall be allowed them; provided, that the Secretary of State may be allowed fees, as may be provided by law, for copies and certificates furnished to private persons.

Art. 82. Appropriations for the clerical expenses of the officers named in the preceding article shall specify each item of appropriation; and shall not exceed in any

one year, for the Treasurer the sum of two thousand dollars; for the Secretary of State, the sum of two thousand five hundred dollars, and the salary of the Assistant Secretary of State shall be included in this amount; and for the Auditor of Public Accounts, the sum of four thousand dollars.

Art. 83. All commissions shall be in the name and by the authority of the State of Louisiana; and shall be sealed with the State seal, signed by the Governor, and countersigned by the Secretary of State.

JUDICIARY DEPARTMENT.

Art. 84. The judicial power of the State shall be vested in a Supreme Court, in Courts of Appeal, in Districts Courts, in justices of the peace, and in such other courts as are hereinafter provided for.

Art. 85. The Supreme Court, except as hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases where the matter in dispute, or the fund to be distributed, whatever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board, and to all matters arising therein; to suits involving alimony, for the nullity of marriage, or for interdiction; to all matters of adoption, emancipation, legitimacy, and custody of children; to suits involving homestead exemptions, and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture, or penalty imposed by a municipal corporation, shall be in contestation, whatever may be the amount thereof, and to all cases wherein an ordinance of a municipal corporation or a law of this State has been declared unconstitutional, and in such cases the appeal on the law and

the facts shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted, or a fine exceeding three hundred dollars, or imprisonment exceeding six months, is actually imposed. Said court shall have such original jurisdiction as may be necessary to enable it to determine questions of fact affecting its own jurisdiction in any case pending before it, or it may remand the case; and shall have exclusive original jurisdiction in all matters touching professional misconduct of members of the bar, with power to disbar under such rules as may be adopted by the court.

Art. 86. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice and Associate Justices shall each receive a salary of not less than five thousand dollars per annum, payable monthly on his own warrant. They shall be appointed by the Governor, with the advice and consent of the Senate, for the term of twelve years. In case of death, resignation or removal from office of any justice, the vacancy shall be filled by appointment for the unexpired term of such justice. They shall be citizens of the United States and of this State, over thirty-five years of age, learned in the law, and shall have practiced law in this State for ten years preceding their appointment.

Art. 87. The State shall be divided into four Supreme Court districts, and the Supreme Court shall always be composed of justices appointed from said districts. The parishes of Orleans, St. John the Baptist, St. Charles, St. Bernard, Plaquemines, and Jefferson shall compose the first district, from which two justices shall be appointed.

The parishes of Caddo, Bossier, Webster, Bienville,

Claiborne, Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse, Richland, Franklin, West Carroll, East Carroll, Madison, Tensas, Concordia, and Catahoula, shall compose the second district, from which one justice shall be appointed.

The parishes of DeSoto, Red River, Winn, Grant, Natchitoches, Sabine, Vernon, Calcasieu, Cameron, Rapides, Avoyelles, Pointe Coupee, West Baton Rouge, Iberville, St. Landry, Acadia, Lafayette, and Vermillion, shall compose the third district, from which one justice shall be appointed.

The parishes of St. Martin, Iberia, St. Mary, Terrebonne, Lafourche, Assumption, Ascension, St. James, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany, and Washington shall compose the fourth district, from which one justice shall be appointed.

The justices of the Supreme Court, as now constituted, shall serve until the expiration of their respective terms. When the office of Chief Justice becomes vacant, either from expiration of term, death, resignation, or from any other cause, the Associate Justice who has served the longest time, shall by virtue of said length of service, become Chief Justice, and the new appointee shall become an Associate Justice only.

Art. 88. The Supreme Court shall hold its sessions in the City of New Orleans from the first Monday in the month of November to the end of the month of June in each and every year. It shall appoint its own clerks and remove them at pleasure.

The General Assembly shall make the necessary appropriation to provide suitable and commodious buildings for said court and the records thereof, and for the care and maintenance of the State library therein; and

shall provide for the repair and alteration of the building now occupied by the court.

Art. 89. No judgment shall be rendered by the Supreme Court without the concurrence of three justices. Whenever three members cannot concur in any case, in consequence of the recusation of any member or members of the court, or for any other cause, the court shall have authority to call on any judge or judges of the Courts of Appeals, or District Courts, whose duty it shall be, when so called upon, to sit in such case.

Art. 90. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude: "Against the peace and dignity of the same."

Art. 91. The judges of all courts, whenever practicable, shall refer to the law by virtue of which every definitive judgment is rendered, and in every case they shall adduce the reasons on which their judgment is founded. Service of citation shall not be waived, nor judgment confessed, by any document under private signature executed prior to the maturity of the obligation sued on.

Art. 92. The decisions of the Supreme Court shall be reported under the direction of the court; the publication thereof shall be let out by contract to the lowest bidder, who need not be a citizen of the State; provided, that the annual reports for the year 1898, shall be published in numbers, and completed under the present contract therefor, and the present reporter shall remain in office until February 1st, 1899.

Concurring and dissenting opinions shall not be published.

The General Assembly shall annually appropriate the sum of two thousand dollars, as salary of stenographers to be appointed by the court, and for the use of the justices thereof.

Art. 93. The Supreme Court, and each of the justices thereof, shall have power to issue the writ of habeas corpus, at the instance of any person in actual custody, in any case where it may have appellate jurisdiction.

Art. 94. The Supreme Court shall have control and general supervision over all inferior courts. The court, or any justice thereof, shall have power to issue writs of certiorari, prohibition, mandamus, quo warranto, and other remedial writs.

Art. 95. In all cases where there is an appeal from a judgment rendered on a reconventional demand, the appeal shall lie to the court having jurisdiction of the main demand.

Art. 96. Except as herein provided, no duties or functions shall ever be attached by law to the Supreme Court, Courts of Appeal, or District Courts, or to the several justices, or judges thereof, except such as are judicial, and the said justices and judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duty performed by them. No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officer other than those mentioned in this title, except such as may be necessary in towns and cities; provided, the General Assembly shall have the power to abolish justice of the peace courts in wards containing cities of more than five thousand inhabitants, and to create in their stead courts with such civil jurisdiction as is now vested in justices of the peace, and with criminal jurisdiction which shall not extend beyond the trial of offenses not punishable by imprisonment at hard labor under the laws

of this State, and of violations of municipal and parochial ordinances, and the holding of preliminary examinations in cases not capital. Provided, the compensation of the judges of such courts shall be paid by the parishes and cities in which they are established, in such proportions as may be provided by law.

ATTORNEY GENERAL.

Art. 97. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large every four years. He shall be learned in the law, and shall have actually resided and practiced law, as a licensed attorney, in the State for five years preceding his election. He shall receive a salary of three thousand dollars per annum, payable monthly on his own warrant.

COURTS OF APPEAL.

Art. 98. The Courts of Appeal, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, civil or probate, when the matter in dispute or the funds to be distributed shall exceed one hundred dollars, exclusive of interest, and shall not exceed two thousand dollars, exclusive of interest.

Art. 99. The Courts of Appeal shall remain as at present constituted, until the first day of July, 1900. From and after that date the several Courts of Appeal, except as hereinafter provided, shall consist of one of the judges of those courts whose terms shall not have expired, and who, with a judge of a district court to be designated by the Supreme Court, shall be assigned by the Supreme Court to that duty, throughout the State.

From and after the first day of July, 1904, the Courts of Appeal shall be composed of two district judges, to be

from time to time designated by the Supreme Court, and assigned to the performance of the duties of judges of said Courts of Appeal; provided, that no district judge shall be assigned to serve as a member of the Court of Appeal for any parish in his own district; and, provided further, that district judges shall be paid their actual and necessary expenses when serving as judges of the Courts of Appeal in such manner as may be provided by law.

Art. 100. There shall be two terms of the said Courts of Appeal held in each parish annually, to be fixed by the judges of said courts, until the first day of July, 1904. Thereafter the terms of said courts shall be fixed in such manner as may be provided by law.

Art. 101. The judges of the Courts of Appeal shall have power to certify to the Supreme Court any question or proposition of law arising in any cause pending before them concerning which they desire the instruction of that court, for its proper decision; and thereupon the Supreme Court may either give its instruction on the question or proposition certified to it, which shall be binding upon the Court of Appeal in such case, or it may require that the whole record be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been on appeal directly to the Supreme Court. It shall be competent for the Supreme Court to require by certiorari, or otherwise, any case to be certified from the Courts of Appeal to it for its review and determination, with the same power and authority in the case, as if it had been carried directly by appeal to the said court; provided, that the Supreme Court shall in no case exercise the power conferred on it by this article, unless the application be made to the court, or to one of the justices thereof, not later than

thirty days after the decision of the Court of Appeal has been rendered and entered.

Art. 102. No judgment shall be rendered by the Courts of Appeal without the concurrence of two judges. Whenever there shall be a disagreement in the Courts of Appeal above provided, the court shall appoint a district judge or a lawyer having the qualifications of a judge of the court to sit in the case, and in case of the recusation, absence, or disability, of one of the judges, the other judge shall select a judge or lawyer, as aforesaid, to sit in the case. In the Court of Appeal for the Parish of Orleans, when two judges cannot concur for any reason, the court shall select a district judge, or judges, to sit in the case.

Art. 103. All cases on appeal to the Courts of Appeal shall be tried on the original record, pleadings, and evidence.

Art. 104. The rules of practice regulating appeals to and proceedings in the Supreme Court shall apply to appeals and proceedings in the Courts of Appeal, so far as they may be applicable, until otherwise provided. The Courts of Appeal, and each of the judges thereof, shall have power to issue the writ of habeas corpus at the instance of any person in actual custody within their respective circuits.

They shall also have authority to issue writs of mandamus, prohibition, and certiorari, in aid of their appellate jurisdiction.

Art. 105. The several judges of the Courts of Appeal, as constituted under the Constitution of 1879, shall each receive a salary of four thousand dollars per annum, payable monthly on his own warrant.

Art. 106. The sheriff of the parish in which the sessions of the court are held shall attend in person, or by deputy, to execute the orders of the court.

DISTRICT COURTS.

Art. 107. The State shall be divided into not less than twenty nor more than twenty-nine judicial districts, the parish of Orleans excepted.

Until otherwise provided by law, there shall be twenty-nine districts.

Art. 108. The parish of Caddo shall compose the first district.

The parishes of Bossier and Webster shall compose the second district.

The parishes of Claiborne and Bienville shall compose the third district.

The parishes of Union and Lincoln shall compose the fourth district.

The parishes of Caldwell, Jackson, and Winn shall compose the fifth district.

The parishes of Ouachita and Morehouse shall compose the sixth district.

The parishes of West Carroll and Richland shall compose the seventh district.

The parishes of Franklin and Catahoula shall compose the eighth district.

The parishes of Madison and East Carroll shall compose the ninth district.

The parishes of Concordia and Tensas shall compose the tenth district.

The parishes of Natchitoches and Red River shall compose the eleventh district.

The parishes of DeSoto, Sabine, and Vernon shall compose the twelfth district.

The parishes of Rapides and Grant shall compose the thirteenth district.

The parish of Avoyelles shall compose the fourteenth district.

The parishes of Calcasieu and Cameron shall compose the fifteenth district.

The parish of St. Landry shall compose the sixteenth district.

The parish of Vermillion shall compose the seventeenth district.

The parishes of Acadia and Lafayette shall compose the eighteenth district.

The parishes of Iberia and St. Martin shall compose the nineteenth district.

The parishes of Terrebonne and Lafourche shall compose the twentieth district.

The parishes of Iberville, West Baton Rouge, and Pointe Coupee shall compose the twenty-first district.

The parish of East Baton Rouge shall compose the twenty-second district.

The parish of St. Mary shall compose the twenty-third district.

The parishes of East Feliciana and West Feliciana shall compose the twenty-fourth district.

The parishes of St. Helena, Livingston, and Tangipahoa shall compose the twenty-fifth district.

The parishes of Washington and St. Tammany shall compose the twenty-sixth district.

The parishes of Ascension, St. James, and Assumption shall compose the twenty-seventh district.

The parishes of St. John the Baptist, St. Charles, and Jefferson shall compose the twenty-eighth district.

The parishes of St. Bernard and Plaquemines shall compose the twenty-ninth district.

The judges of the first, sixth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, nineteenth, twentieth, twenty-second, twenty-third, twenty-fifth, twenty-seventh, and twenty-eighth districts shall each receive a salary of three thousand dollars per annum, and the

judges of the second, third, fourth, ninth, fourteenth, eighteenth, twenty-first, twenty-fourth, twenty-sixth, and twenty-ninth districts shall each receive a salary of two thousand five hundred dollars; the judges of the fifth, seventh, eighth, and seventeenth districts shall each receive a salary of two thousand dollars per annum; such salaries to be paid monthly on their own warrants. Provided, that if the General Assembly at any time reduces the number of districts, as herein fixed, it shall have the right to regrade the salaries of the judges, but in no case shall any judge receive a salary in excess of three thousand dollars per annum.

Art. 109. The District Courts, except in the Parish of Orleans, shall have original jurisdiction in all civil matters where the amount in dispute shall exceed fifty dollars, exclusive of interest, and in all cases where title to real estate is involved, or to office, or other public position, or civil or political rights, and all other cases where no specific amount is in contest, except as otherwise provided in this Constitution. They shall have unlimited and exclusive original jurisdiction in all criminal cases, except such as may be vested in other courts authorized by this Constitution; and in all probate and succession matters, and where a succession is a party defendant; and in all cases where the State, parish, any municipality or other political corporation, is a party defendant, regardless of the amount in dispute; and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships; and said courts shall have authority to issue all such writs, process and orders as may be necessary or proper for the purposes of the jurisdiction herein conferred upon them. There shall be one district judge in each judicial district, except in the twenty-first judicial district, where, until otherwise provided by law, there shall be two district

judges, who shall not be residents of the same parish. District judges shall be elected by a plurality of the qualified voters of their respective districts, in which they shall have been actual residents for two years next preceding their election; provided, one year's residence only in the district shall be required for the first election under this Constitution. They shall be learned in the law, and shall have practiced law in the State five years previous to their election.

The first district judges under this Constitution shall be elected at the general State election in 1900, and shall hold office until their successors are elected at the election on the Tuesday after the first Monday in November, 1904, at which time, and every four years thereafter, district judges shall be elected for terms of four years.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired term by appointment by the Governor, with the advice and consent of the Senate.

Art. 110. The General Assembly shall not have power to increase the number of district judges in any district.

Art. 111. The District Courts shall have jurisdiction of appeals from justices of the peace in all civil matters, regardless of the amount in dispute, and from all orders requiring a peace bond. Persons sentenced to a fine or imprisonment, by Mayors or Recorders, shall be entitled to an appeal to the District Court of the parish, upon giving security for fine and costs of court, and in such cases trial shall be *de novo* and without juries.

Art. 112. The General Assembly shall provide by law for the interchange of district judges; and also for the trial of recused cases in the District Courts by the selection of licensed attorneys at law, by an interchange of judges or otherwise. Whenever any district judge is pre-

vented by disability, or any other cause whatever, from holding his court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the Supreme Court, or to any justice thereof, if in the judgment of the court, or any justice, the public interest so requires, the court or such justice shall designate and appoint any district judge of any other district to hold said court and discharge all the judicial duties of the judge so disabled during said disability. Such appointment shall be filed in the clerk's office and entered on the minutes of said District Court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk of the District Court to the district judge so designated and appointed.

Art. 113. Wherever in this Constitution the qualification of any justice or judge shall be the previous practice of the law for a term of years, there shall be included in such term the time such justice or judge shall have occupied the bench of any court of record in this State; provided, he shall have been a licensed attorney for five years before his election or appointment.

Art. 114. No judge of any court of the State shall be affected in his term of office, salary, or jurisdiction as to territory or amount, during the term or period for which he was elected or appointed. Any legislation so affecting any judge or court shall take effect only at the end of the term of office of the judge or judges, incumbents of the court, or courts, to which such legislation may apply at the time of its enactment. This article shall not affect the provisions of this Constitution relative to impeachment or removal from office.

Art. 115. The district judges shall have power to issue the writ of *habeas corpus* at the instance of any person in actual custody in their respective districts.

Art. 116. The General Assembly shall provide for

the selection of competent and intelligent jurors. All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, which shall not be prior to 1904, be tried by the judge without a jury. Cases in which the punishment may be at hard labor shall be tried by a jury of five, all of whom must concur to render a verdict; cases in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom concurring may render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict.

Art. 117. District Courts shall hold continuous sessions during ten months of the year. In districts composed of more than one parish, the judge shall sit alternately in each parish, as the public business may require. Until otherwise provided by law, judgments shall be signed after three days from the rendition thereof, and become executory ten days from such signing.

The General Assembly shall provide for the drawing of juries for the trial of civil and criminal cases. A grand jury of twelve, nine of whom must concur to find an indictment, shall be empanelled in each parish twice in each year, and shall remain in office until a succeeding grand jury is empanelled; except in the Parish of Cameron, in which at least one grand jury shall be empanelled each year. The district judges shall have authority to try at any time all misdemeanors and when the jury is waived all cases not necessarily punishable at hard labor, and to receive pleas of guilty in cases less than capital.

The provisions of this article shall go into effect upon the adoption of this Constitution.

Art. 118. The District Courts as created and now existing under the Constitution of 1879, in the various parishes of the State, as now apportioned under existing laws, shall remain undisturbed until the organization of

the District Courts created by this Constitution, after the general election of 1900, and the judges thereof shall receive salaries as now fixed.

SHERIFFS AND CORONERS.

Art. 119. There shall be a sheriff and a coroner elected by the qualified voters of each parish in the State, except in the Parish of Orleans, who shall be elected at the general election and hold office for four years.

The coroner, except in the Parish of Orleans, shall act for and in place of the sheriff, whenever the sheriff shall be a party interested, and whenever there shall be a vacancy in the office of sheriff, until such vacancy shall be filled; but he shall not, during such vacancy, discharge the duties of tax collector. The sheriff, except in the Parish of Orleans, shall be ex-officio collector of State and parish taxes.

He shall give separate bonds for the faithful performance of his duty in each capacity. Until otherwise provided, the bonds shall be given according to existing laws.

Sheriffs elected or appointed shall furnish bond within thirty days from the date of their commissions, in default of which the office shall be declared vacant, and the Governor shall appoint for the remainder of the term.

Art. 120. The sheriff shall receive compensation from the parish for his services in criminal matters,—the keeping of prisoners, conveying convicts to the penitentiary, insane persons to the Insane Asylum, service of process from another parish, and service of process or the performance of any duty beyond the limits of his own parish excepted,—not to exceed five hundred dollars per annum for each Representative the parish may have in the House of Representatives.

The compensation of sheriffs as tax collectors shall not exceed five per cent on all sums collected and paid over; provided, that they shall not be discharged as tax collectors until they make proof that they have exhausted the legal remedies to collect taxes.

Art. 121. The coroner in each parish shall be a doctor of medicine, regularly licensed to practice, and *ex-officio* parish physician; provided, this article shall not apply to any parish in which there is no regularly licensed physician who will accept the office.

CLERKS.

Art. 122. There shall be a clerk of the District Court in each parish, the Parish of Orleans excepted, who shall be *ex-officio* clerk of the Court of Appeal.

He shall be elected by the qualified electors of the parish every four years, and shall be *ex-officio* parish recorder of conveyances, mortgages, and other acts, and notary public.

He shall receive no compensation from the State or parish for his services in criminal matters.

He shall give bond and security for the faithful performance of his duties in such amount as shall be fixed by the General Assembly.

Art. 123. The General Assembly shall have power to vest in clerks of court authority to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus vested shall be specified and determined.

Art. 124. Clerks of District Courts may appoint, with the approval of the district judges, deputies with such powers as shall be prescribed by law; and the General Assembly shall have power to provide for continuing one or more of them in office in the event of any vacancy

in the office of clerk, until his successor shall have been appointed and duly qualified.

DISTRICT ATTORNEYS.

Art. 125. There shall be a District Attorney for each judicial district in the State, who shall be elected by the qualified electors of the judicial district at the same time and for the same term as is provided in Article 109 for district judges. He shall receive a salary of one thousand dollars per annum, payable monthly on his own warrant. He shall be an actual resident of the district and a licensed attorney in this State.

He shall also receive fees; but no fee shall be allowed in criminal cases, except on conviction, which fees shall not exceed five dollars in cases of misdemeanor.

Any vacancy in the office of District Attorney shall be filled by appointment by the Governor for the unexpired term.

JUSTICES OF THE PEACE.

Art. 126. In each parish, the Parish of Orleans excepted, there shall be as many justices of the peace as may be provided by law. The present number of justices of the peace shall remain as now fixed until otherwise provided. They shall be freeholders and qualified electors and possess such other qualifications as may be prescribed by law. They shall be elected for the term of four years by the qualified voters within the territorial limits of their jurisdiction.

They shall have exclusive original jurisdiction in all civil matters, when the amount in dispute shall not exceed fifty dollars, exclusive of interest, and original jurisdiction concurrent with the District Court when the amount in dispute shall exceed fifty dollars, exclusive of interest, and shall not exceed one hundred dollars, ex-

clusive of interest; including suits for the ownership or possession of movable property not exceeding said amounts in value, and suits by landlords for possession of leased premises, when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed said amounts. They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant, or when the State, parish or any municipality or other political corporation, is a party defendant, or when title to real estate is involved. They shall receive such fees in civil matters as may be fixed by law. They shall have criminal jurisdiction as committing magistrates, and shall have power to bail or discharge in cases not capital or necessarily punishable at hard labor. The General Assembly may by general or special laws invest justices of the peace in general or in any particular parish or parishes with criminal jurisdiction over misdemeanors to be tried with a jury composed of not more than five nor less than three persons, in such manner as may be provided by law, with the right of appeal to the District Court in all cases, not appealable to the Supreme Court, as hereinbefore provided for.

CONSTABLES.

Art. 127. There shall be a constable for the court of each justice of the peace in the several parishes of the State, who shall be elected for a term of four years, by the qualified voters within the territorial limits of the jurisdiction of the several justices of the peace. They shall receive such fees in civil matters as may be fixed by law.

Art. 128. Justices of the peace and constables shall receive no fees in criminal matters, including peace bond cases, but, in lieu thereof such salaries as may be

fixed by the police jury, and paid by the parish, which salaries shall be graded.

Art. 129. The General Assembly, at its first session after this Constitution is adopted, shall provide a general fee bill, or bill of costs, regulating and fixing the fees and compensation allowed sheriffs, clerks and recorders, justices of the peace, constables, and coroners, in all civil matters. The General Assembly may provide in all civil cases for the service of process and pleadings by the litigants themselves.

COURTS AND OFFICERS FOR THE PARISH OF ORLEANS, AND
CITY OF NEW ORLEANS.

Art. 130. Except as herein otherwise provided, the judicial officers of the Parish of Orleans, and of the City of New Orleans, shall be learned in the law, and shall have resided and practiced law or shall have held judicial positions in this State for five years, and shall have been actual residents of the City of New Orleans for at least two years next preceding their election or appointment.

Art. 131. There shall be a Court of Appeal, to be known and designated as the Court of Appeal for the Parish of Orleans, which shall be composed of three judges, who shall be learned in the law and who shall have practiced law in this State for six years, and shall have been residents of one of the parishes hereinafter named for at least two years next preceding their election or appointment, and they shall be elected by the qualified electors of the said parishes. Said court shall sit in the City of New Orleans, and shall hold its session from the second Monday of October until the end of the month of June in each year. Said court, until the first day of August, 1900, shall be composed of the present judges thereof, and a third judge, who shall be elected

by the qualified voters of the Parish of Orleans, at the Congressional election in the year 1898, and who shall serve in said court until the 1st of August, 1900. His successor shall be elected for a term of eight years from that date, at the general State election of 1900. On August 1, 1900, the [judge] of the Court of Appeal for the Fifth Circuit, as established under the Constitution of 1879, who was elected in the year 1896, shall become a member of the Court of Appeal for the Parish of Orleans, and together with the judge of that court elected in 1896, shall serve until the election of their successors at the Congressional election of 1904. At that election one judge of said court shall be elected for a term of six years, and one for a term of eight years, and thereafter all elections for judges of said court shall be for terms of eight years.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired terms by appointment by the Governor, with the advice and consent of the Senate.

The judges of said court shall each receive a salary of four thousand dollars per annum, payable monthly on his own warrant.

After August 1, 1900, in addition to those from the Parish of Orleans, all appeals within its jurisdiction from the parishes of Jefferson, St. Charles, Plaquemines, and St. Bernard, shall be returnable to said court, and the costs of filing same shall not exceed five dollars in each case.

All cases pending and undetermined on said date in the Courts of Appeal as now constituted, from said parishes, shall be transferred to said Court of Appeal for the Parish of Orleans without cost to the parties.

There shall be a clerk of said Court of Appeal, who shall be elected by the qualified voters of said parishes

for a term of four years; he shall be entitled to charge and retain as his compensation such fees as may be allowed by law. The first election for said clerk shall be held in the year 1899, at the time the parochial and municipal elections are held in the City of New Orleans; said clerk shall appoint, if necessary, deputy clerks, and shall fix and pay their salaries; he shall give bond in the sum of five thousand dollars, which bond shall be examined in open court by the judges of the court, and all testimony given in said examination shall be reduced to writing and made of record; he may be removed by the court for the same causes and in the same manner as is hereinafter provided for the clerk of the Civil District Court for the Parish of Orleans; he may act as minute clerk of the court, or appoint a deputy to that position.

Said Court of Appeal for the Parish of Orleans shall hereafter have appellate jurisdiction from the city courts of New Orleans as now constituted, under the same conditions as hereinafter provided for appeals from the City Courts to be organized under this Constitution.

Art. 132. There shall be two District Courts for the Parish of Orleans, and no more. One of said courts shall be known as the Civil District Court, and the other as the Criminal District Court. For the Civil District Court there shall be not less than five judges, and for the Criminal District Court not less than two judges, who shall be elected by a plurality of the qualified electors of the Parish of Orleans for the term of twelve years, and who shall each receive an annual salary of four thousand dollars, payable upon his own warrant, in equal monthly instalments.

Art. 133. The Civil District Court shall have exclusive and general original probate jurisdiction, and exclusive original civil jurisdiction, in all cases where the amount in dispute or the fund to be distributed, shall

exceed one hundred dollars, exclusive of interest; and exclusive jurisdiction in suits by married women for separation of property, in suits for separation from bed and board, for divorce, for nullity of marriage, or for interdiction, and in suits involving title to immovable property, or to office or other public position, or civil or political rights; and in all other cases, except as hereinafter provided, where no specific amount is in contest, and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships. And said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purposes of the jurisdiction herein conferred upon it.

Art. 134. All cases after being filed in said Civil District Court shall be allotted or assigned, among the judges thereof, and, except as herein otherwise provided, each judge, or his successor, shall have exclusive control over every case allotted or assigned to him, from its inception to its final determination in said court. In case of vacancy in the office, recusation, absence or disability of a judge to whom a case has been allotted or assigned, or in case such action is deemed advisable in the proper administration of justice, or of the business of the court, such case may be re-allotted or re-assigned, or without such re-allotment or re-assignment, but, under rules to be adopted, it may be taken in charge by another judge of said court, and the judge to whom a case is thus re-allotted or re-assigned, or by whom it is thus taken in charge, shall be authorized to act therein for all purposes as though such case had been originally allotted or assigned to him. Previous to the allotment or assignment of a case, any judge of said court may, for the purposes of such case, make interlocutory orders, and issue and grant conservatory writs and executory process. Applications for naturaliza-

tion, for emancipation, and by married women for authorization, when there is consent given and no issue joined, or where there is no contest, suits for nullity, and for revival of judgment, and suits in which is claimed an interest in property or funds as to which a particular judge has acquired jurisdiction, need not be allotted or especially assigned, but shall be controlled by law or by rules to be adopted by the court.

Art. 135. Judgments homologating accounts, which have been duly advertised, when not opposed, or so far as not opposed, may be rendered and signed either in term time or vacation; and by any judge, in the absence or disability of the judge to whom the case has been allotted.

Art. 136. The judges of said Civil District Court shall be authorized to adopt rules, not in conflict with law, regulating the allotment, assignment and disposition of cases, the order in which they shall be tried, and the proceedings in such trials, and to sit *en banc* for the purpose of testing the bonds and sureties of the clerk of the court, the recorder of mortgages, the register of conveyances, and the civil sheriff; for the trial and removal of the clerk and civil sheriff, or either of them, for the selection of jurors, and in other cases when the action of the court as a whole is required. When sitting *en banc* the judge who has been longest in continuous service in said court, and in his absence the judge longest in service of those present, shall preside; and when a certificate or authentication from the court is required such judge shall be authorized to sign the same as presiding judge. The court may, by its rules, grant the presiding judge further authority not in conflict with these provisions. Provided, that in rendering judgments *en banc*, the court shall conform, as far as practicable, to the rules and practice of the Supreme Court.

Art. 137. There shall be one clerk for the Civil District Court, who, until the election and induction into office of the clerk of the Court of Appeal, provided for in Article 131, shall be *ex-officio* clerk of the Court of Appeal for the Parish of Orleans, and shall be elected by the voters of said parish for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law; he shall furnish bond in the sum of twenty thousand dollars, which bond shall be examined by the court, and all testimony given in such examination shall be reduced to writing and filed of record in the court. He shall charge and collect the fees prescribed by the General Assembly, and shall dispose of the same as hereinafter provided; the amount of his compensation shall be three thousand six hundred dollars per annum.

Said clerk shall be authorized, with the approval of the judges of the Civil District Court, to appoint such deputies and other assistants, at salaries not to exceed those now fixed by law, as in the opinion of said judges are needed for the efficient discharge of the duties of his office; and he may remove them at pleasure, or the court may remove them. The Court of Appeal for the Parish of Orleans, until after the election of the clerk thereof, as hereinbefore provided, and each judge of the Civil District Court shall appoint one minute clerk, who shall be sworn as deputy clerk, and shall receive an annual salary of eighteen hundred dollars in equal monthly installments; and the said Court of Appeal, until said election, shall also have the right to appoint one docket clerk.

The minute clerk appointed by the judge of the Civil District Court longest in continuous service in said court, as hereinabove provided, shall be *ex-officio* minute clerk of the court when sitting *en banc*, and shall receive, as additional compensation, three hundred dollars per an-

num, which shall be paid in like manner as his other compensation. The clerk of the Civil District Court shall be removable by the judges of said court, sitting *en banc*, upon proof, after trial, without a jury, of gross or continued neglect, incompetency, or unlawful conduct, operating injury to the court or to any individual, and a majority of said judges shall be competent to render judgment in the case. Such trial and the lodging of complaints leading thereto, shall be regulated by rules which shall be adopted by the judges of the Civil District Court and of the Criminal District Court in joint session.

Art. 138. The Civil District Court shall select a solvent, incorporated bank in New Orleans as a judicial depository, in which, unless otherwise ordered by the court, shall be deposited all money as soon as the same shall come into the hands of the clerk or sheriff, and such deposits shall not be removed in whole or in part without an order from the judge seized with jurisdiction.

Art. 139. The Criminal District Court shall have exclusive original jurisdiction for the trial and punishment of all offenses when the penalty of death, imprisonment at hard labor, or imprisonment without hard labor for any time exceeding six months, or a fine exceeding three hundred dollars may be imposed, and appellate jurisdiction in all cases tried before the City Criminal Courts, or Recorders' Courts of New Orleans, which cases shall be appealable on the law and the facts, and shall be tried on the record and the evidence as made and offered in the lower court. Provided, that until the General Assembly shall enact a law grading offenses, said court shall have general criminal jurisdiction extending to all cases arising in the Parish of Orleans, the jurisdiction of which is not vested by law or by this Constitution in some other court. Said court shall have general and supervisory jurisdiction over all inferior State and

municipal criminal courts in the Parish of Orleans, and shall have authority to issue writs of *habeas corpus*, in criminal and quasi-criminal cases, and such other writs and orders as may be necessary or proper in aid of the jurisdiction conferred upon it; and to adopt rules not in conflict with law, regulating the order of preference, and proceedings in the trial of cases, and the method of allotting or assigning such cases, and of re-allotting and re-assigning them, in case of vacancy in the office, recusation, absence or disability, of one or more of the judges, or in case such action is deemed necessary for the proper administration of justice. All prosecutions instituted in, and all cases appealed to said Criminal District Court shall be equally allotted or assigned by classes among the judges, and each judge, or his successor, shall have exclusive control over any case allotted or assigned to him, from its inception to its final determination in said court, except as herein otherwise provided.

There shall be one clerk for the Criminal District Court, who shall be elected by the voters of the Parish of Orleans, for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law. He shall furnish bond in the sum of ten thousand dollars, which bond shall be examined by the court, in like manner as the bond of the clerk of the Civil District Court. He shall receive an annual salary of three thousand dollars, which shall be paid by the City of New Orleans, in equal monthly instalments, and he shall receive no other compensation. He shall appoint, with the approval of the court, such deputies, at such salaries, as may be fixed by law. Said deputies may be removed at the pleasure of the clerk of the court, and their salaries shall be paid by the City of New Orleans.

Each judge of said court shall appoint a minute clerk, who shall be sworn as a deputy clerk, and shall

receive an annual salary of eighteen hundred dollars, which shall be paid by the City of New Orleans, in the same manner as the salary of the clerk. One of the said minute clerks, to be designated by the judge longest in continuous service in said court, shall be *ex-officio* minute clerk of said court when sitting *en banc*, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The said clerk shall be removable by the judges of the Criminal District Court for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court.

Art. 140. There shall be in the City of New Orleans two inferior criminal courts, to be known respectively as the First City Criminal Court and the Second [City] Criminal Court, each of which shall be presided over by one judge, and which shall have jurisdiction within the territory hereinafter prescribed, for the trial and punishment, without juries, and subject to appeal to the Criminal District Court, of all offenses against the State where the penalty does not exceed six months' imprisonment in the parish jail, or a fine of three hundred dollars, or both; in all other cases the judges of said courts shall have jurisdiction as committing magistrates, with authority to bail or discharge.

The territorial jurisdiction of the First City Criminal Court shall extend over the First, Fourth, Sixth and Seventh Municipal Districts of the City of New Orleans; and of the Second City Criminal Court, over the Second, Third and Fifth Municipal Districts of said city.

Said judges shall be elected by the voters of the City of New Orleans, at large, for the term of four years; the first election, therefor, shall be held at the Congressional election in November, 1898, and the judges then elected shall serve until May 1st, 1900, and their successors shall

be elected at the parochial and municipal election in the year 1899. They shall be learned in the law, and shall have resided and practiced as attorneys in the City of New Orleans for not less than three years before their election or appointment. The judges of said courts shall each receive a yearly compensation of three thousand dollars, payable monthly on his own warrant. Each judge shall appoint a clerk and such deputies as may be authorized by law, at salaries not exceeding twelve hundred dollars per annum, except one deputy, who shall be a stenographer, and who may receive a salary not exceeding fifteen hundred dollars per annum, to be paid in monthly instalments, by the City of New Orleans.

Art. 141. The General Assembly shall provide for Recorders' Courts in the City of New Orleans, to be presided over by magistrates, who need not be attorneys at law, but such courts shall have no jurisdiction except for the trial of offenses against city ordinances.

Art. 142. There shall be a civil and a criminal sheriff for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties other than as herein provided, shall be prescribed by law. Each of said sheriffs shall execute an official bond, the civil sheriff in the sum of fifty thousand dollars, and the criminal sheriff in the sum of ten thousand dollars; and the bonds of said sheriffs respectively shall be examined in open court by the judges of the District Court which he serves, and all testimony given in such examinations shall be reduced to writing and made of record in said court. The civil sheriff shall be executive officer of all the Civil Courts in the Parish of Orleans, except the City Courts; and the criminal sheriff shall be the executive officer of all the Criminal Courts in said parish.

The civil sheriff shall appoint as many deputies as

in his opinion are needed for the efficient discharge of the duties of his office; but after May 1st, 1900, the Court of Appeal for the Parish of Orleans and each judge of the Civil District Court shall name one deputy to be so appointed, who shall serve as crier in said court, and in the divisions presided over by said judges respectively, and who shall each receive a salary of six hundred dollars per annum to be paid by the sheriff. When not engaged in court they shall perform such duties as the sheriff may require.

The civil sheriff shall receive as compensation such fees as may be now or hereafter allowed by law, and shall pay his deputies and all expenses of his office.

The civil sheriff shall pay the sum of two thousand dollars annually in quarterly instalments to the City of New Orleans for the fund for payment and redemption of judicial fund warrants and certificates hereinafter provided for. In cases where the said sheriff is a party in interest the criminal sheriff, or one of his deputies shall act. The criminal sheriff shall receive an annual salary of three thousand six hundred dollars per annum, which shall be paid by the City of New Orleans in equal monthly instalments, and he shall receive no other compensation; he shall appoint, with the approval of the judges of the Criminal District Court for the Parish of Orleans, as many deputies as in the opinion of said judges are needed for the efficient discharge of the duties of his office and the salaries of such deputies shall be fixed by the Council of the City of New Orleans, and paid in like manner as his own. Each judge of said Criminal District (Court) shall name one deputy to be so appointed, who shall serve as crier in the sections presided over by the judges respectively, and shall each receive a salary of one thousand dollars per annum. When not en-

gaged in court they shall perform such other duties as the sheriff may require.

The criminal sheriff shall account to and settle with the City of New Orleans for all fines and judgments collected by him, without deductions of any kind, and all expenses of his office shall be borne by said corporation.

Art. 143. There shall be a First City Court in New Orleans, composed of three judges, each of whom shall receive a salary of twenty-four hundred dollars per annum, payable monthly on his own warrant. Said court shall have exclusive original jurisdiction when the defendant resides in that part of the City of New Orleans on the left bank of the Mississippi river, in all cases when the amount in dispute or the fund to be distributed does not exceed one hundred dollars exclusive of interest, including suits for the ownership or possession of movable property not exceeding that amount in value; and suits by landlords for possession of leased premises when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed that amount; subject to an appeal in all cases to the Court of Appeal for the Parish of Orleans. All appeals shall be tried *de novo*, and the judges of the Court of Appeal may provide by rules that one or more of the judges shall try such cases, which they shall be authorized to decide immediately after trial, and without written opinions.

The judges of said court shall have authority to issue marriage licenses, and celebrate marriages, subject to such conditions as may be imposed by law, and to execute commissions to take testimony, and to receive therefor the fees allowed by law; they shall adopt rules not in conflict with law for the fixing and trial of cases, and shall sit *en banc*, for the purpose of examining the bonds of the clerk and constable of said court, and for the trial and removal of said officers, or either of them, in which

proceedings they shall be governed by the provisions of this Constitution as far as they are applicable upon the subject of the bond and of the trial and the removal from office of the clerk of the Civil District Court.

The City of New Orleans shall provide suitable accommodations for said court, and cases filed in said court shall be allotted equally to the judges thereof. The pleadings in said court shall be in writing, prepared by the litigants, or their attorneys or by the clerk.

Art. 144. There shall be one clerk for said First City Court of New Orleans, who shall furnish bond in the sum of five thousand dollars; his qualifications and duties, except as herein provided, shall be determined by law; his salary shall be eighteen hundred dollars per annum, payable monthly. Each judge shall have the appointment of one deputy clerk, whose compensation shall not exceed twelve hundred dollars per annum. The clerk shall appoint such other deputies as may be authorized by law, provided that their total compensation shall at no time exceed the sum of eighteen hundred dollars per annum.

Art. 145. There shall be one constable for said court, who shall furnish bond in the sum of five thousand dollars, and who shall appoint such deputies as may be necessary, and at such salaries as he may fix and pay. Said deputies shall be removed at his pleasure, or at the pleasure of the court. His compensation shall be the fees of his office as now or hereafter fixed by law; he shall furnish and pay one deputy to attend the sittings of each judge, who shall have the selection of such deputy and who, when not engaged in court, shall perform such other duties as the constable may direct.

The clerk of the said court and the constable thereof shall be removable by the judges of said court sitting *en banc*, for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court, conform-

ably to rules to be adopted by said judges, and subject to an appeal to the Court of Appeal for the Parish of Orleans.

Art. 146. The judges, clerk and constable of said court shall be elected for the term of four years by the qualified voters of the City of New Orleans on the left bank of the Mississippi river. The first election under this provision shall be held at the next parochial and municipal election.

Art. 147. There shall also be a Second City Court in the City of New Orleans, on the right bank of the Mississippi river, now known as the Fifth District of the City of New Orleans; and said court shall have the same jurisdiction as the First City Court in all cases where the defendant resides in the Fifth District. There shall be one clerk for said City Court, who shall receive a salary of twelve hundred dollars per annum, payable monthly by the City Treasurer, out of the fund hereinafter provided. There shall be a constable for said court, whose compensation shall be the fees of his office, as may be now or hereafter fixed by law. The judge of said court shall have the same qualifications and authority as the judges of the First City Court, and shall receive the same compensation. Said judge, clerk and constable shall be elected by the qualified voters of said Fifth District of the City of New Orleans, for the term of four years. The first election under this provision shall be held at the next parochial and municipal election. The clerk and constable shall each furnish bond in the sum of one thousand dollars, to be approved by the judge of the court; and they shall be removable by the judge of said court after due trial, subject to an appeal to the Court of Appeal for the Parish of Orleans.

Art. 148. There shall be a District Attorney for the Parish of Orleans, who shall be elected by the voters of

said parish for the term of four years, and shall receive an annual salary of one thousand dollars, and such fees as may be allowed by law; but no fees shall be allowed in criminal cases except upon conviction. He shall be a licensed attorney, and may appoint two assistants with like qualifications, at salaries not to exceed eighteen hundred dollars per annum. He shall appoint such other assistants as may be required, at salaries to be fixed and paid by him.

Art 149. There shall be a register of conveyances and a recorder of mortgages for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties shall be as fixed by law; the register of conveyances shall furnish bond in the sum of fifteen thousand dollars, and the recorder of mortgages in the sum of twenty-five thousand dollars, which said bonds shall be examined by the judges of the Civil District Court, and all testimony given in said examinations shall be reduced to writing and filed in the court; they shall appoint such deputies and at such salaries as are now authorized by law, or as hereinafter provided. They shall be governed, with respect to the fees and expenses of their offices, the manner of their compensation and their obligations with regard to accounting and settling, as hereinafter prescribed. The compensation of the register of conveyances shall be twenty-five hundred dollars per annum, and that of the recorder of mortgages shall be four thousand dollars per annum.

Art. 150. The judges of the Civil and Criminal District Courts for the Parish of Orleans, and of the City Courts of New Orleans, and the clerks and constables of said courts respectively, and the sheriffs, district attorney, register of conveyances and recorder of mortgages for the Parish of Orleans, who shall be serving at the time of the adoption of this Constitution, shall, unless removed

for cause, remain in office until the expiration of the terms for which they were elected or appointed.

The three judges of the Civil District Court and the one judge of the Criminal District Court, whose terms expire in 1900, shall serve until after the election and qualification of their successors, who shall be elected at the Congressional election of that year; and the terms of the two judges of the Civil District Court and the one judge of the Criminal District Court, whose terms expire in 1904, shall serve until the election and qualification of their successors, who shall be elected at the Congressional election of that year.

All cases in said courts, and all writs, orders and process issued therefrom, and which shall be pending or in course of execution, together with all the records and archives of said courts, and of the offices hereinabove mentioned shall, upon the adoption of this Constitution, at once, and by virtue of the provisions hereof, be transferred to, and held to be cases pending in, and writs, orders and process issued from, and in course of execution under the authority of, and records and archives belonging and pertaining to the Civil and Criminal District Courts and the clerks thereof, and the offices of the civil and criminal sheriffs, district attorney, register of conveyances and recorder of mortgages for the Parish of Orleans, respectively established and provided for by this Constitution. No change in the system of docketing or numbering shall be required for the purpose of suits which may hereafter be filed in either of said courts, nor shall any new set of books, or system of keeping the same, be required for the purposes of any of said offices. The books and records of the Court of Appeal for the Parish of Orleans shall be transferred to, and all appeals held to be cases pending in the Court of Appeals herein provided for, and without the formality of being renumbered or

docketed, and the same rule shall apply to cases pending in the Third City Court of New Orleans upon the organization of the Second City Court of New Orleans, as hereinbefore provided. Upon the organization of the First City Court of New Orleans, as hereinbefore provided, all books, records and archives of the First, Second and Fourth City Courts of New Orleans as now constituted, and of the clerks and constables thereof, and all suits, orders and process issued from and in course of execution under the authority of said courts, shall be transferred thereto, and all cases pending in said courts shall be redocketed and numbered in said First City Court, upon application of any of the parties in interest, and without cost to them.

The laws regulating the sessions of and practice in the Civil and Criminal District Courts for the Parish of Orleans, and the City Courts of New Orleans, which may be in force at the time of the adoption of this Constitution, shall, if not in conflict herewith, remain in force until otherwise provided by the General Assembly.

Art. 151. All cases on appeal from the City Courts of New Orleans to the Civil District Court, upon the adoption of this Constitution, shall remain and be tried in said Civil District Court.

Art. 152. The recorders of the City of New Orleans who may be serving at the time of the adoption of this Constitution, shall, unless removed for cause, continue in the exercise of their functions and jurisdiction, conformably to existing laws, and until otherwise provided, except in so far as such functions and jurisdiction may be affected by the provisions of this Constitution which confer appellate and supervisory jurisdiction on the Criminal District Court and original jurisdiction in certain matters on the City Criminal Courts.

Art. 153. The election of judges and other officers for the Parish of Orleans and City of New Orleans, herein

provided for, the time of which is not specially fixed, shall be held at the time of the parochial and municipal elections.

Art 154. Until otherwise provided by law, the costs to be paid clerks, sheriffs, constables, recorder of mortgages and register of conveyances, shall be as now fixed, except that in no case shall the costs of filing appeals from the City Courts exceed the sum of five dollars.

Art. 155. The General Assembly shall grade all misdemeanors and minor offenses against the State, and shall fix the minimum and maximum penalties therefor.

Art. 156. All valid warrants issued for salaries and authorized expenses of the offices of the clerk of the Civil District Court, register of conveyances and recorder of mortgages for the Parish of Orleans, of the clerks of the City Courts of the City of New Orleans, and for salaries of the clerks of the Court of Appeal, which are payable out of the special judicial expense fund provided for by Article 146 of the Constitution of 1879, as amended, and which shall be outstanding and unpaid at the date of the adoption of this Constitution, or which shall be issued for the current month in which this Constitution is adopted, are hereby declared to be valid and subsisting claims against the revenues of the respective offices upon which said fund was made dependent.

The holders of said warrants may present them within six months after the adoption of this Constitution to the Board of Liquidation of the City Debt, and receive therefor the bonds hereinafter authorized to be issued; and the City of New Orleans is required, within three months from the adoption of this Constitution, to provide for said warrants or claims, by the issuance of bonds in the sum of two hundred and twenty-five thousand dollars, or so much thereof as may be necessary; said bonds shall be for the face value of said warrants, in such denomina-

tions as the said Board of Liquidation shall recommend, and shall be dated July 1st, 1898, and made payable twenty-five years after date, or earlier, at the option of said board, and shall bear four per cent per annum interest, payable semi-annually, and represented by interest coupons attached thereto, the first of said coupons payable January 1st, 1899; said bonds to be known as Judicial Expense Fund Bonds, and to be signed by the Mayor and Comptroller of the City of New Orleans, and delivered to the Board of Liquidation of the City Debt and shall be countersigned by the president and secretary of said board and issued by said board to the holders of said warrants upon surrender of same. Neither the State of Louisiana nor the City of New Orleans shall ever be liable for the payment of said bonds nor the interest thereon, except from the special fund herein provided for, and any appropriation or other provision therefor made by the State or city shall be null and void.

There shall be stamped across the face of said bonds the words: "Issued in accordance with Article 156 of the Constitution of Louisiana of 1898."

The clerk of the Civil District Court, register of conveyances and recorder of mortgages for the Parish of Orleans, and the clerks of the City Courts of New Orleans, shall keep accurate and detailed accounts in books to be used exclusively for that purpose, of all fees and charges collected in their offices, respectively; and they shall furnish, daily, to the city comptroller, transcripts of said accounts duly certified by them or by their authority, and said officers shall also daily pay into the treasury of the City of New Orleans the whole amount of fees and charges so collected.

From the amounts thus paid into the City Treasury, the Treasurer shall set apart and reserve twenty per cent out of which shall first be paid the expenses necessary for

the preparation and execution of the aforesaid bonds, and thereafter the same shall be used solely and exclusively to retire the bonds issued in payment of said Judicial Expense Fund Warrants and interest thereon, and the certificates of the Comptroller hereinafter authorized; and upon the second Tuesday in December and June of every year the said Treasurer shall pay said amounts so reserved, and also the amounts received from the Civil Sheriff, to the Board of Liquidation of the City Debt, until all the bonds herein authorized have been retired or paid; and on the second Tuesday in February and August of every year, said Board of Liquidation, in accordance with rules to be adopted and made public by it, shall, after paying the semi-annual interest on said bonds, purchase or redeem with such money thus set apart as may have accumulated, and with the surplus of the remaining eighty per cent as hereinafter provided, as many of said bonds as said money will buy or redeem, preference being given to holders offering at the lowest rate; and all such bonds so purchased or redeemed shall be by said Board of Liquidation immediately canceled, and a record made thereof.

From the remaining eighty per cent of said fund there shall be paid monthly the current salaries and expenses of the offices from which same is derived, including the salary of the docket and minute clerks of the Court of Appeal, as now constituted and until the election of the clerk of the said court, as above provided, together with such authorized expenses of said offices as are not required to be paid by the City of New Orleans; and the surplus of said eighty per cent, if any, shall be paid by the Treasurer to the said Board of Liquidation, and shall be used to redeem or pay said bonds and certificates as hereinbefore and hereinafter provided.

But if said eighty per cent. during the six months

ending July 31st, or January 31st of any year, should prove inadequate to pay said salaries and expenses, the comptroller shall prorate the deficit among those entitled to payment, and shall issue certificates therefor in sums not less than ten dollars, which shall bear interest at the rate of four per cent per annum from date, and shall be paid from the funds herein set apart and reserved only after all the bonds issued in payment of outstanding warrants shall have first been redeemed or paid.

All disbursements from said fund for stationery shall be made upon the requisitions of the officers requiring same; said requisitions to be approved by the Mayor of the City of New Orleans; and in all cases such disbursements and all salaries shall be paid by the treasurer of the City of New Orleans upon warrants drawn against said fund by the comptroller of said city, approved, so far as the Civil District Court is concerned by the presiding judge thereof, for the office of the recorder of mortgages and the office of the register of conveyances, by the Mayor of the City of New Orleans, and for the offices of the respective City Courts by the judge or judges thereof, and for the officers of the Court of Appeal by one of the judges thereof.

Until the full and final payment of all of said bonds and certificates hereinbefore provided for, the salaries of the employes of the various offices hereinafter named shall remain as now fixed by law, and there shall be no increase in the number of employes now authorized by law for the offices of recorder of mortgages or register of conveyances, unless otherwise ordered by the Civil District Court sitting *en banc*; and the number of employes of the Civil District Court shall be as determined by a majority of the judges thereof.

The clerks of the First and Second City Courts, until the organization of the City Courts hereinbefore provided

for, may each appoint with the approval of the judge thereof, an additional deputy clerk at fifty dollars per month, but no other employes, nor larger salaries than those now fixed by law, shall be allowed to the City Courts.

The said Board of Liquidation hereinbefore named shall have the right to reject any and all bids made for the redemption of bonds issued as hereinabove provided, and should there be no bids, or none be accepted, then said Board of Liquidation, on the second Tuesday in February and August of each year, with whatever amount has been paid to said Board by the Treasurer as herein provided, shall, after paying the interest, pay said bonds in numerical order.

After the payment of all of said bonds, the twenty per cent. reserve herein provided, and any surplus of the remaining eighty per cent. shall be used by the City Treasurer in paying the certificates herein provided for, if any, in the order of their issue. When said Judicial Expense Fund Bonds and Comptroller's certificates, if any of the latter shall be issued, shall have been retired and canceled, the salaries and expenses of the various offices affected by this article and the revenue of said offices shall be regulated and disposed of as may be determined by the General Assembly.

This article shall take effect from the last day of the current month in which this Constitution is adopted, and all amounts arising from the Judicial Expense Fund, which shall remain in the hands of the State Treasurer on that date, shall be paid by him to the Board of Liquidation of the City Debt, and be used by said board as part of the funds hereinabove referred to.

Art. 157. Vacancies occurring from any cause in the judicial offices of the Parish of Orleans or City of New Orleans, shall be filled by appointment by the Governor,

with the advice and consent of the Senate, for the unexpired term.

Art. 158. The fact that the officers and deputies herein provided for are paid by the City of New Orleans shall not make them officers or employes thereof.

GENERAL PROVISIONS.

Art. 159. No person shall be permitted to act as a juror, who, in due course of law, shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, or who shall be under interdiction.

Art 160. Members of the General Assembly and all officers, before entering upon the duties of their respective offices, shall take the following oath or affirmation:

“I (A. B.) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability and understanding. So help me God.”

Art. 161. The seat of government shall be and remain at the City of Baton Rouge.

Art. 162. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, on his confession in open court.

Art. 163. All civil officers shall be removable by an address of two-thirds of the members elected to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

Art. 164. No member of Congress, nor person holding or exercising any office of trust or profit under the

United States, or any State, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

Art. 165. The laws, public records, and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the English language; but the General Assembly may provide for the publication of the laws in the French language, and provide that judicial advertisements, in certain designated cities and parishes, shall also be made in that language.

Art. 166. No ex-post facto law, nor any law impairing the obligations of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

Art. 167. Private property shall not be taken nor damaged for public purposes without just and adequate compensation being first paid.

Art. 168. No power of suspending the laws of this State shall be exercised unless by the General Assembly, or by its authority.

Art. 169. The General Assembly shall provide by law for change of venue in civil and criminal cases.

Art. 170. No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public.

Art. 171. The General Assembly may determine the mode of filling vacancies in all offices, for the filling of which provision is not made in this Constitution.

Art. 172. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office, except in case of impeachment or suspension.

Art. 173. The military shall be in subordination to the civil power, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner.

Art. 174. The General Assembly shall make it obligatory upon every parish to support all infirm, sick, and disabled paupers residing within its limits; provided, that every municipal corporation to which the powers of the police jury do not extend, shall support its own infirm, sick and disabled paupers.

Art. 175. No soldier, sailor, or marine, in the service of the United States, shall hereafter acquire a domicile in this State by reason of being stationed or doing duty in the same.

Art. 176. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

Art. 177. The power of the courts to punish for contempt shall be limited by law.

Art. 178. Lotteries, and the sale of lottery tickets, are prohibited in this State.

Art. 179. In all proceedings or indictments for libel, the truth thereof may be given in evidence. The jury in all criminal cases shall be the judges of the law and of the facts on the question of guilt or innocence, having been charged as to the law applicable to the case by the presiding judge.

Art. 180. No officer whose salary is fixed by the Constitution shall be allowed any fees or perquisites of office, except where otherwise provided for by this Constitution.

Art. 181. The regulation of the sale of alcoholic or spirituous liquors is declared a police regulation, and the General Assembly may enact laws regulating their sale and use.

Art. 182. No person who, at any time, may have been a collector of taxes, whether State, parish, or municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of honor, profit, or trust, under the State government, or any parish, or municipality thereof, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted; and the General Assembly is empowered to enact laws providing for the suspension of public officials charged with the collection of public money, when such officials fail to account for same.

Art. 183. Any person who shall, directly or indirectly, offer or give any sum, or sums, of money, bribe, present, reward, promise, or any other thing to any officer, State, parochial, or municipal, or to any member or officer of the General Assembly, with the intent to induce or influence such officer, or member of the General Assembly, to appoint any person to office, to vote or exercise any power in him vested, or to perform any duty of him required, the person giving or offering to give, and the officer, or member of the General Assembly, so receiving any money, bribe, present, reward, promise, contract, obligation, or security, with the intent aforesaid, shall be guilty of bribery, and on being found guilty thereof by any court of competent jurisdiction, or by either House of the General Assembly of which he may be a member or officer, shall be forever disqualified from holding any office, State, parochial, or municipal, and shall be forever ineligible to a seat in the General Assembly; provided that this shall not be so construed as to prevent the General Assembly from enacting additional penalties.

Art. 184. Any person may be compelled to testify in any lawful proceeding against any one who may be charged with having committed the offense of bribery,

and shall not be permitted to withhold his testimony upon the ground that it may criminate him or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.

Art. 185. The General Assembly shall pass laws to protect laborers on buildings, streets, roads, railroads, canals, and other similar works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual, for whose benefit the work is done, responsible for their ultimate payment.

Art. 186. No mortgage or privilege on immovable property shall affect third persons, unless recorded or registered in the parish where the property is situated, in the manner and within the time as is now or may be prescribed by law, except privileges for expenses of last illness and privileges for taxes, State parish, or municipal; provided, such tax liens, mortgages, and privileges, shall lapse in three years from the 31st day of December, in the year in which the taxes are levied, and whether now or hereafter recorded.

Art. 187. Privileges on movable property shall exist without registration of the same, except in such cases as the General Assembly may prescribe by law.

Art. 188. Gambling is a vice, and the Legislature shall pass laws to suppress it.

Art. 189. The pernicious practice of dealing or gambling in futures on agricultural products or articles of necessity, where the intention of the parties is not to make an honest and bona fide delivery, is declared to be against public policy; and the Legislature shall pass laws to suppress it.

Art. 190. It shall be unlawful for persons or corpor-

ations, or their legal representatives, to combine or conspire together, or to unite or pool their interests for the purpose of forcing up or down the price of any agricultural product or article of necessity, for speculative purposes; and the Legislature shall pass laws to suppress it.

Art. 191. No member of the General Assembly, or public officer, or person elected or appointed to a public office under the laws of this State, shall directly or indirectly, ask, demand, accept, receive, or consent to receive, for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege, or discrimination in passenger, telegraph, or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another.

Any person who violates any provision of this Article shall forfeit his office, at the suit of the Attorney-General, or the District Attorney, to be brought at the domicile of the defendant, and shall be subject to such further penalty as may be prescribed by law.

Any corporation, or officer, or agent thereof, who shall give, or offer, or promise, to a public officer any such free pass, free transportation, franking privilege, or discrimination, shall be liable to punishment for each offense by a fine of five hundred dollars, to be recovered at the suit of the Attorney-General, or District Attorney, to be brought at the domicile of the officer to whom such free pass, free transportation, franking privilege, or discrimination, was given, offered, or promised.

No person, or officer, or agent, of a corporation, giving any such free pass, free transportation, franking privilege, or discrimination, hereby prohibited, shall be privileged from testifying in relation thereto; but he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

Art. 192. Whenever the General Assembly shall

authorize a suit against the State it shall provide in the act authorizing the same, that such suit be instituted before the District Court at the State Capital; that citation to answer such suit shall be served both upon the Governor and the Attorney-General; that the Supreme Court of the State shall have appellate jurisdiction in such suit, without regard to the amount involved; that the only object of such suit, and the only effect of the judgment therein, shall be a judicial interpretation of the legal rights of the parties for the consideration of the Legislature in making appropriations; that the burden of proof shall rest upon the plaintiff or claimant to show that the claim sued upon is a legal and valid obligation of the State, incurred in strict conformity to law, not in violation of the Constitution of the State or of the United States, and for a valid consideration, and that all these things shall be affirmatively declared by the Supreme Court before any judgment is recognized for any purpose against the State.

Art. 193. Prescription shall not run against the State in any civil matter, unless otherwise provided in this Constitution, or expressly by law.

Art. 194. There shall be appointed by the Governor, by and with the advice and consent of the Senate, a State Examiner of State Banks, who shall be an expert accountant, and who shall make examinations of all State banks at least twice in every year. His term of office shall be four years and the Legislature shall define his duties and fix his compensation.

Art. 195. The New Basin Canal and Shell Road, and their appurtenances, shall not be leased, nor alienated, nor shall the Carondelet Canal and Bayou St. John, and their appurtenances, be leased, or alienated when they shall come into the possession of the State.

Art. 196. The General Assembly may authorize the employment under State supervision and the proper officers and employes of the State, of convicts on public

roads or other public works, or convict farms, or in manufactories owned or controlled by the State, under such provisions and restrictions as may be imposed by law, and shall enact laws necessary to carry these provisions into effect; and no convict sentenced to the State penitentiary shall ever be leased, or hired to any person, or persons, or corporation, private or public, or quasi-public, or board, save as herein authorized. This article shall take effect upon the expiration of the penitentiary lease, made pursuant to Act No. 114, approved July 10th, 1890.

SUFFRAGE AND ELECTIONS.

Art. 197. Every male citizen of this State and of the United States, native born or naturalized, not less than twenty-one years of age, and possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election in this State by the people, except as may be herein otherwise provided.

Sec. 1. He shall have been an actual bona-fide resident of this State for two years, of the parish one year and of the precinct in which he offers to vote six months next preceding the election; provided, that removal from one precinct to another in the same parish shall not operate to deprive any person of the right to vote in the precinct from which he has removed, until six months after such removal.

Sec. 2. He shall have been at the time he offers to vote, legally enrolled as a registered voter on his personal application, in accordance with the provisions of this Constitution, and the laws enacted thereunder.

The qualifications of voters and the registration laws in force prior to the adoption of this Constitution shall remain in force until December 31st, 1898, at which date all the provisions of this Constitution relative to suffrage, registration and election, except as hereinafter otherwise provided, shall go into effect, and the General Assembly shall, and is hereby directed, at its regular session in 1898, to enact a general registration law to carry into effect the provisions of this Constitution relative to the qualifications and registration of voters.

Sec. 3. He shall be able to read and write, and shall dem-

onstrate his ability to do so when he applies for registration, by making, under oath administered by the registration officer or his deputy, written application therefor, in the English language, or in his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, except the form of application hereinafter set forth; provided, however, that if the applicant be unable to write his application in the English language, he shall have the right, if he so demands, to write the same in his mother tongue from the dictation of an interpreter; and if the applicant is unable to write his application by reason of physical disability, the same shall be written at his dictation by the registration officer or his deputy, upon his oath of such disability. The application for registration, above provided for, shall be a copy of the following form, with the proper names, dates, and numbers substituted for the blanks appearing therein, to-wit:

I am a citizen of the State of Louisiana. My name is I was born in the State (or country) of, Parish (or county) of, on the .. day of, in the year .. I am now .. years, .. months and .. days of age. I have resided in this State since, in this parish since, and in Precinct No., of Ward No., of this parish, since, and I am not disfranchised by any provision of the Constitution of this State.

Sec. 4. If he be not able to read and write, as provided by Section three of this article, then he shall be entitled to register and vote if he shall, at the time he offers to register, be the bona fide owner of property assessed to him in this State at a valuation of not less than three hundred dollars on the assessment roll of the current year in which he offers to register, or on the roll of the preceding year, if the roll of the current year shall not then have been completed and filed, and on which, if such property be personal only, all taxes due shall have been paid. The applicant for registration under this section shall make oath before the registration officer or his deputy, that he is a citizen of the United States and of this State, over the age of twenty-one

years; that he possesses the qualifications prescribed in section one of this article, and that he is the owner of property assessed in this State to him at a valuation of not less than three hundred dollars, and if such property be personal only, that all taxes due thereon have been paid.

Sec. 5. No male person who was on January 1st, 1867, or at any date prior thereto, entitled to vote under the Constitution or statutes of any State of the United States, wherein he then resided, and no son or grandson of any such person not less than twenty-one years of age at the date of the adoption of this Constitution, and no male person of foreign birth, who was naturalized prior to the first day of January, 1898, shall be denied the right to register and vote in this State by reason of his failure to possess the educational or property qualifications prescribed by this Constitution; provided, he shall have resided in this State for five years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898, and no person shall be entitled to register under this section after said date.

Every person claiming the benefit of this section shall make application to the proper registration officer, or his deputy, for registration, and he shall make oath before such registration officer or his deputy, in the form following, viz.: I am a citizen of the United States and of this State, over the age of twenty-one years; I have resided in this State for five years next preceding this date. I was on the .. day of .. entitled to vote under the Constitution or statutes of the State of, herein I then resided (or, I am the son, or grandson) of, who was on the day of entitled to vote under the Constitution or statutes of the State of, wherein he then resided, and I desire to avail myself of the privileges conferred by section 5 of Article 197 of the Constitution of this State.

A separate registration of voters applying under this section, shall be made by the registration officer of every parish, and for this purpose the registration officer of every parish shall keep his office open daily, Sundays and legal holidays excepted, from May 16th, 1898, until August 31st, 1898, both included, during the hours prescribed by Act No. 89 of the General As-

sembly of 1896. In every parish, except the parish of Orleans, he shall keep his office at the courthouse at least during the months of May, June, and August, and during the month of July, he shall keep it for at least one day at or near each polling place, giving thirty days' notice thereof by publication.

The registration of voters under this section shall close on the 31st day of August, 1898, and immediately thereafter the registration officer of every parish shall make a sworn copy, in duplicate, of the list of persons registered under this section, showing in detail whether the applicant registered as a voter of 1867, or prior thereto, or as the son of such voter, or as the grandson of such voter, and deposit one of said duplicates in the office of the Secretary of State, to be by him recorded and preserved as a part of the permanent records of his office, and the other of said duplicates shall be by him filed in the office of the Clerk of the District Court of the parish, and in the parish of Orleans, in the office of the Recorder of Mortgages, there to remain a permanent record.

All persons whose names appear on said registration lists shall be admitted to register for all elections in this State without possessing the educational or property qualification prescribed by this Constitution, unless otherwise disqualified, and all persons who do not by personal application claim exemption from the provisions of sections 3 and 4 of this article before September 1st, 1898, shall be forever denied the right to do so.

The Legislature shall, at its first session after the adoption of this Constitution, provide the manner in which persons whose names appear upon said registration lists shall hereafter register, which mode may be different from that required for persons registering under the other sections of this article; and shall also provide a remedy whereby subsequently to the close of said registration on August 31st, 1898, the names of any persons who may have obtained registration under this section by false statements of fact or other fraud, shall by appropriate proceedings be stricken from said roll.

Art. 198. No person less than sixty years of age shall be permitted to vote at any election in this State who shall not, in addition to the qualifications above prescribed, have paid on or

before the 31st day of December, of each year, for the two years preceding the year in which he offers to vote, a poll tax of one dollar per annum, to be used exclusively in aid of the public schools of the parish in which such tax shall have been collected; which tax is hereby imposed on every male resident of this State between the age of twenty-one and sixty years. Poll taxes shall be a lien only upon assessed property, and no process shall issue to enforce the collection of the same except against assessed property.

Every person liable for such tax shall, before being allowed to vote, exhibit to the Commissioners of Election his poll tax receipts for two years, issued on the official form, or duplicates thereof, in the event of loss, or proof of payment of such poll taxes may be made by a certificate of the tax collector, which shall be sent to the Commissioners of the several voting precincts, showing a list of those who have paid said two years' poll taxes as above provided, and the dates of payment. It is hereby declared to be forgery, and punishable as such, for any tax collector or other person, to antedate, or alter, a poll tax receipt. Any person who shall pay the poll tax of another or advance him money for that purpose, in order to influence his vote, shall be guilty of bribery and punished accordingly. The provisions of this section as to the payment of poll taxes shall not apply to persons who are deaf and dumb, or blind, nor to persons under twenty-three years of age, who have paid all poll taxes assessed against them. This section shall not go into operation until after the general State election to be held in the year 1900, and the Legislature elected in the year 1908 shall have authority to repeal or modify the same.

Art. 199. Upon all questions submitted to the taxpayers, as such, of any municipal or other political subdivision of this State, the qualifications of such tax payers as voters shall be those of age and residence prescribed by this article, and women taxpayers shall have the right to vote at all such elections, without registration, in person or by their agents, authorized in writing; but all other persons voting at such elections shall be registered voters.

Art. 200. No person shall vote at any primary election or

in any convention or other political assembly held for the purpose of nominating any candidate for public office, unless he is at the time a registered voter. And in all political conventions in this State the apportionment of representation shall be on the basis of population.

Art. 201. Any person possessing the qualifications prescribed by Section 3 or 4 of Article 197 of this Constitution, who may be denied registration, shall have the right to apply for relief to the District Court having jurisdiction of civil causes for the parish in which he offers to register, and the party cast in said suit shall have the right of appeal to the Supreme Court; and any citizen of the State shall have a like right to apply to said courts, to have stricken off any names illegally placed on said registration rolls under Sections 3 and 4 of Article 197, and such applications and appeal shall be tried by said courts by preference, in open court or at chambers. The General Assembly shall provide by law for such applications and appeals without cost, and for the prosecution of all persons charged with illegal or fraudulent registration or voting, or any other crime or offense against the registration or election or primary election laws.

Art. 202. The following persons shall not be permitted to register, vote or hold any office or appointment of honor, trust or profit in this State, to-wit: Those who have been convicted of any crime punishable by imprisonment in the penitentiary, and not afterwards pardoned with express restoration of franchise; those who are inmates of any charitable institution, except the Soldiers' Home; those actually confined in any public prison; all interdicted persons, and all persons notoriously insane or idiotic, whether interdicted or not.

Art. 203. In all elections by the people the electors shall vote by ballot, and the ballots cast shall be publicly counted. In all elections by persons in a representative capacity, the vote shall be *viva-voce*.

Art. 204. Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

Art. 205. The General Assembly shall by law forbid the giving or selling of intoxicating drinks, on the day of any election, or primary election, within one mile of any polling place.

Art. 206. Until otherwise provided by law, the general State election shall be held once every four years on the Tuesday next following the third Monday in April.

Presidential electors and members of Congress shall be chosen or elected in the manner and at the time prescribed by law.

Art. 207. Parochial elections, except in the city of New Orleans, shall be held on the same day as the general State election, and not oftener than once in four years.

In the City of New Orleans parochial and municipal elections shall be held on the Tuesday following the first Monday of November, 1899, and of every fourth year thereafter, but the General Assembly may change the date of said election after the year 1899; provided, that the parochial and municipal elections shall be held together, and shall always be on a day separate and apart from the General State Election and not oftener than once in four years. The municipal and parochial officers in the City of New Orleans shall take their offices on the first Monday in the month of May following their election, until otherwise provided by law.

Art. 208. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States; or while engaged in the navigation of the waters of the State or of the United States; or of the high seas; or while a student of any institution of learning.

Art. 209. The General Assembly shall provide by law for the trial and determination of contested elections of all public officers, whether State, judicial, parochial or municipal (except Governor and Lieutenant Governor), which trials shall be by the courts of law and at the domicile of the party defendant.

Art. 210. No person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State and a duly qualified elector of the State, judicial district, parish, municipality or ward, wherein the functions of said office

are to be performed. And whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, parish, municipality or ward in which he holds such office, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

Art. 211. Returns of elections for all civil officers who are to be commissioned by the Governor shall be made to the Secretary of State, unless otherwise provided in this Constitution.

Art. 212. All elections by the people, except primary elections and municipal elections in towns having a population of less than twenty-five hundred, when such elections are not held at the same time as general State elections, shall be by official ballot, printed and distributed at the expense of the State; and, until otherwise provided by law, such ballots shall have printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and the candidates of such political party or nominating paper may be indicated. By stamping such device at the head of the list of candidates of each political party, or nominating paper, the voter may indicate that his vote is for the entire or straight ticket of the particular party or nominating paper employing the particular device allotted to such political party, or nominating paper. When the voter does not desire to vote an entire or straight party ticket, he may vote for candidates of any political party or nominating paper, by stamping a blank space to be left opposite the name of each candidate on said official ballot.

The General Assembly shall provide some plan by which the voters may prepare their ballots in secrecy at the polls. This article shall not be construed so as to prevent the names of independent candidates from being printed on the ballots with a device; and names of candidates may be written on the ballot. These provisions shall not apply to elections for the imposition of special taxes, for which the General Assembly shall provide special laws.

Art. 213. Electors shall not be registered within thirty days next preceding any election at which they may offer to

vote, but applications to the courts, and appeals may be heard and determined, and revision take place at any time prior to the election, and no person who, in respect to age and residence, would become entitled to vote within the said thirty days, shall be excluded from registration on account of his want of qualifications at the time of his application for registration.

Art. 214. The Legislature shall provide for the registration of voters throughout the State.

Art. 215. The Legislature shall enact laws to secure fairness in party primary elections, conventions, or other methods of naming party candidates.

Art. 216. In the trial of contested elections and in proceedings for the investigation of elections, and in all criminal trials under the election laws, no person shall be permitted to withhold his testimony on the grounds that he may criminate himself or subject himself to public infamy, but such testimony shall not be used against him in any judicial proceedings except for perjury in giving such testimony.

IMPEACHMENT AND REMOVALS FROM OFFICE.

Art. 217. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Education, Railroad Commissioners, and the Judges of all the Courts of Record in this State, shall be liable to impeachment for high crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness.

Art 218. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor of the State is on trial, the Chief Justice or the senior Associate Justice of the Supreme Court shall preside.

The Senate may adjourn the trial of any impeachment from

time to time, as it may deem proper, and may sit for the purpose of such trial whether the House of Representatives or the Legislature be in session or not.

Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit, under the State, but the party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial and punishment according to law.

Art. 219. All officers against whom articles of impeachment are preferred, except the Governor, shall be suspended from office during the pendency of such impeachment, and the appointing power shall make a provisional appointment to replace any suspended officer until the decision of the impeachment.

Art. 220. For any reasonable cause, whether sufficient for impeachment or not, the Governor shall remove any officer on the address of two-thirds of the members elected to each house of the General Assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address and inserted in the Journal of each House.

Art. 221. For any of the causes specified in Art. 217, judges of the Courts of Appeal, and of the District Courts throughout the State may be removed from office by judgment of the Supreme Court, which is hereby vested with original jurisdiction to try such causes. The suit for removal may be instituted by the Attorney-General or District Attorney, whenever in his opinion sufficient cause exists therefor; and it is hereby made the duty of the Attorney General or District Attorney to institute such suit whenever instructed in writing by the Governor so to do, or on the written request and information of twenty-five citizens and taxpayers residing within the territorial limits of the district or circuit over which the judge against whom the suit is brought exercises the functions of his office. Such suits shall be tried after citation and ten days' delay for answering, in preference to all other suits, and wherever the court may be sitting; but the pendency of such suit shall not operate a suspension from office. In all cases where the officer sued, as

above directed, shall be acquitted, and where the suit is instituted on the request and information of citizens, judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit. Judgments in cases of removal under this Article shall extend not only to removals from office and disqualification from holding any office of honor, trust, or profit under the State, but also to disqualification for the practice of law, and the party, whether convicted or not, shall nevertheless be liable to prosecution, trial and punishment according to law.

Art. 222. For any of the causes enumerated in Article 217, members of the State Board of Appraisers, except the Auditor, Railroad Commissioners, District Attorneys, Clerks of Court, Sheriffs, Coroners, Justices of the Peace, Judges of the City Courts, and of other inferior courts of the City of New Orleans and elsewhere, and all other parish, municipal and ward officers, may be removed by judgment of the District Court of the domicile of such officer (in the Parish of Orleans the Civil District Court.) The District Attorney may, whenever in his opinion sufficient cause exists therefor, institute such suit, and it shall be his duty (except when the suit is to be brought against himself), to institute such suit on the written request and information of twenty-five resident citizens and taxpayers, in the case of members of the State Board of appraisers, Railroad Commissioners, district, parish or municipal officers, and of ten resident citizens and taxpayers in the case of ward officers. Such suit shall be brought against a District Attorney upon such written request and information by the District Attorney of an adjoining district, or by counsel appointed by the judge for that purpose. In all suits instituted under this article the defendant, the State and the citizens and taxpayers, on whose information, and at whose request such suit may have been brought, or any one of them, shall have the right to appeal, both on the law and the facts, from the judgment of the court. In all cases where the officer sued, as above directed, shall be acquitted, judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit.

In cases against members of the State Board of Appraisers,

Railroad Commissioners, District Attorneys, Clerks and Sheriffs, the appeal shall be to the Supreme Court, and in cases against all other officers the appeal shall be to the Court of Appeal of the proper circuit.

Such appeals shall be returnable within ten days to the appellate court wherever it may be sitting or wherever it may hold its next session, and may be transferred by order of the judges of said court to another parish within their circuit, and such appeals shall be tried by preference over all others. In case of the refusal or neglect of the District Attorney or Attorney General to institute and prosecute any suit provided for in this and the preceding article, the citizens and taxpayers making the request, or any one of them, shall have the right by mandamus to compel him to perform such duty.

The institution and pendency of suits brought under this article shall not operate a suspension of the defendant from office.

Art. 223. On the recommendation of the Auditor or the Police Jury of any parish, the Governor may suspend any officer charged with the collection or custody of public funds when in arrears.

REVENUE AND TAXATION.

Art. 224. The taxing power may be exercised by the General Assembly for State purposes, and by parishes and municipal corporations and public boards, under authority granted to them by the General Assembly, for parish, municipal, and local purposes, strictly public in their nature.

Art. 225. Taxation shall be equal and uniform throughout the territorial limits of the authority levying the tax, and all property shall be taxed in proportion to its value, to be ascertained as directed by law; provided, the assessment of all property shall never exceed the actual cash value thereof; and provided, further, that the taxpayers shall have the right of testing the correctness of their assessments before the courts of justice. In order to arrive at this equality and uniformity, the General Assembly shall, at its first session after the adoption of this Constitution, provide a system of equality and uniformity in assess-

ments based upon the relative value of property in the different portions of the State. The valuations put upon property for the purposes of State taxation shall be taken as the proper valuation for purposes of local taxation, in every subdivision of the State.

Art. 226. There shall be a State Board of Appraisers, composed of the Auditor, and six other members, to be elected for four years by the Governor, Lieutenant Governor, Treasurer, Attorney General, and Secretary of State, one from each Congressional District, whose duty it shall be to assess the property belonging to corporations, associations and individuals employed in railway, telegraph, telephone, sleeping car and express business. The General Assembly shall fix the compensation of said board.

Art. 227. The taxing power shall be exercised only to carry on and maintain the government of the State and the public institutions thereof, to educate the children of the State, to preserve the public health, to pay the principal, and interest of the public debt, to suppress insurrection, to repel invasion or defend the State in time of war, to provide pensions for indigent Confederate soldiers and sailors, and their widows, to establish markers or monuments upon the battlefields of the country commemorative of the services of Louisiana soldiers on such fields, to maintain a memorial hall in New Orleans for the collection and preservation of relics and memorials of the late civil war, and for levee purposes, as hereinafter provided.

Art. 228. The power to tax corporations and corporate property shall never be surrendered nor suspended by act of the General Assembly.

Art. 229. The General Assembly may levy a license tax, and in such case shall graduate the amount of such tax to be collected from the persons pursuing the several trades, professions, vocations, and callings. All persons, associations of persons and corporations pursuing any trade, profession, business or calling, may be rendered liable to such tax, except clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural, horticultural, and mining pursuits, and manufacturers other than those of distilled, alcoholic or malt liquors, tobacco, cigars, and cotton seed oil. No political corporation shall

impose a greater license tax than is imposed by the General Assembly for State purposes. This restriction shall not apply to dealers in distilled, alcoholic or malt liquors.

The General Assembly shall have authority to provide that municipalities levying license taxes equal in amount to those levied by police juries for parochial purposes, shall be exempted from the payment of such parochial licenses.

Art. 230. The following shall be exempt from taxation, and no other, viz: All public property, places of religious worship, or burial, all charitable institutions, all buildings and property used exclusively for public monuments or historical collections, colleges and other school purposes, the real and personal estate of any public library, and that of any other library association used by or connected with such library, all books and philosophical apparatus, and all paintings and statuary of any company or association kept in a public hall; provided, the property so exempted be not leased for purposes of private or corporate profit and income. There shall also be exempt from taxation household property to the value of five hundred dollars. There shall also be exempt from parochial and municipal taxation for a period of ten years from the 1st day of January, 1900, the capital, machinery and other property employed in mining operations, and in the manufacture of textile fabrics, yarns, rope, cordage, leather, shoes, harness, saddlery, hats, clothing, flour, machinery, articles of tin, copper and sheet iron, agricultural implements, and furniture and other articles of wood, marble or stone; soap, stationery, ink and paper, boat building and fertilizers and chemicals; provided, that not less than five hands are employed in any one factory; provided, that nothing herein contained shall affect the exemptions provided for by existing constitutional provisions.

There shall also be exempt from taxation for a period of ten years from the date of its completion any railroad or part of such railroad that may hereafter be constructed and completed prior to January 1st, 1904; provided, that when aid has heretofore been voted by any parish, ward, or municipality to any railroad not yet constructed, such railroad shall not be entitled to the exemption from taxation herein established, unless it waives and

relinquishes such aid or consents to a resubmission of the question of granting such aid to a vote of the property taxpayer of the parish, ward, or municipality, which has voted the same, if one-third of such property taxpayers petition for the same within six months after the adoption of this Constitution.

And provided, further, that this exemption shall not apply to double tracks, sidings, switches, depots or other improvements or betterments, which may be constructed by railroads now in operation within the State, other than extensions or new lines constructed by such railroads; nor shall the exemption hereinabove granted apply to any railroad or part of such railroad, the construction of which was begun and the roadbed of which was substantially completed at the date of the adoption of this constitution.

The property or real estate belonging to any military organization of the State of Louisiana which is used by the State National Guard or militia for military purposes, such as arsenals or armories, while so used, shall be exempt from taxation.

Art. 231. The General Assembly shall levy an annual poll tax of one dollar upon every male inhabitant in the State between the ages of twenty-one and sixty years, for the maintenance of the public schools in the parishes where collected.

Art. 232. The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public school houses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purpose or purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such

parish, municipality, ward or school district entitled to vote under the election laws of the State, and a majority of the same in numbers, and in value voting at such election shall have voted therefor.

Art. 233. There shall be no forfeiture of property for the non-payment of taxes, State, levee district, parochial or municipal, but at the expiration of the year in which said taxes are due the collector shall, without suit, and after giving notice to the delinquent in the manner to be provided by law, advertise for sale in the official journal of the parish, city or municipality, provided there be an official journal in such parish, city or municipality, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out; and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of the taxes, interest and costs. The sale shall be without appraisal, and the property sold shall be redeemable at any time for the space of one year, by paying the price given, including costs, and twenty per cent thereon. No judgment annulling a tax sale shall have effect until the price and all taxes and costs paid, with ten per cent per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, or dual assessments. All deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of dual assessment, or of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption has expired, or within three years from the adoption of this Constitution, as to sales already made, and within three years from the date of recordation of the tax deed, as to sales made hereafter, if no notice is given. The

manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisalment, after ten days' advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver up for sale property in his possession or under his control.

Art. 234. The tax shall be designated by the year in which it is collectable, and the tax on movable property shall be collected in the year in which the assessment is made.

Art. 235. The Legislature shall have power to levy, solely for the support of the public schools, a tax upon all inheritances, legacies, and donations; provided, no direct inheritance, or donation, to an ascendant or descendant, below ten thousand dollars in amount or value shall be so taxed; provided further, that no such tax shall exceed three per cent for direct inheritances and donations to ascendants or descendants, and ten per cent for collateral inheritances, and donations to collaterals or strangers; provided, bequests to educational, religious, or charitable institutions shall be exempt from this tax.

Art. 236. The tax provided for in the preceding article shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance.

Art. 237. The Legislature shall pass no law postponing the payment of taxes, except in case of overflow, general conflagration, general destruction of crops, or other public calamity.

Art. 238. A levee system shall be maintained in the State, and a tax not to exceed one mill may be levied annually on all property subject to taxation, and shall be applied exclusively to the maintenance and repairs of levees.

Art. 239. The General Assembly may divide the State into Levee Districts, and provide for the appointment or election of Levee Commissioners in said districts, who shall, in the method and manner to be provided by law, have supervision of the erection, repair, and maintenance of the levees in said districts; to that effect the Levee Commissioners may levy a tax not to exceed ten mills on the taxable property situated within the alluvial portions of said districts subject to overflow; provided, that in case of necessity to raise additional funds for the purpose of constructing, preserving, or repairing any levees protecting the lands of a district, the rate of taxation herein limited, may be increased, when the rate of such increase and the necessity and purpose for which it is intended shall have been submitted to a vote of the property taxpayers of such district, paying taxes for themselves, or in any representative capacity, whether resident or non-resident, on property situated within the alluvial portion of said district subject to overflow, and a majority of those in number and value, voting at such election, shall have voted therefor. The Boards of Commissioners of the several levee districts, when authorized so to do by the State Board of Engineers, shall have full power and authority to contract with and permit any steam railroad corporation to construct, maintain, freely use and operate on the public levees, a railroad track or tracks; the supervision, control and general police power over such levees, however, to remain in and with the several levee boards. Provided, that nothing herein contained shall be construed as divesting either the General Assembly or the municipal government of any incorporated town or city in this State of the jurisdiction, control, or police power now vested in them, or either of them; and provided further, that no right or privilege shall be granted to any one or more railroad companies which shall preclude like grants to other companies willing to contribute pro rata to the common expense, incurred or to be incurred.

The several levee districts of the State, for the purpose of refunding the bonds heretofore issued by them under authority granted by the Legislature, and in order that they may negotiate to better advantage that portion of their authorized issue of bonds not yet disposed of, may issue bonds in lieu of said bonds out-

standing or not yet disposed of. The Legislature shall pass an act to carry this provision into effect, but bonds issued under this provision shall not bear a rate of interest greater than five per cent, or be disposed of at less than par, and it shall not be obligatory on the holders of the said outstanding bonds to give up the same in exchange before the maturity thereof.

All the provisions of this article are held to apply to the levee district of which the City of New Orleans forms, or may hereafter form, a part; provided, that nothing herein shall be construed as affecting any existing legislation upon the subject of the taxing power of the commissioners of said district, or as affecting the power of the Legislature, under the Constitution of 1879, and the amendments thereto, with respect to such power.

Art. 240. The provisions of the above two articles shall cease to have effect whenever the Federal government shall assume permanent control and provide the ways and means for the maintenance of levees in this State. The Federal government is authorized to make such geological, topographical, hydrographical and hydrometrical surveys and investigations within the State as may be necessary to carry into effect the act of Congress to provide for the appointment of a Mississippi River Commission for the improvement of said river, from the head of the Passes near its mouth to the headwaters, and to construct and protect such public works and improvements as may be ordered by Congress under the provisions of said act.

Art. 241. The General Assembly shall have power, with the concurrence of an adjacent State or States, to create levee districts composed of territory partly in this State and partly in an adjacent State or States, and the Levee Commissioners for such district or districts shall possess all the powers provided by Article 239 of the Constitution.

Art. 242. Corporations, companies or associations organized or domiciled out of the State, but doing business therein, may be licensed and taxed by a mode different from that provided for home corporations or companies; provided, said different mode of license shall be uniform, upon a graduated system, and said different mode of taxation shall be equal and uniform as to

all such corporations, companies or associations that transact the same kind of business.

Art. 243. All the articles and provisions of this Constitution regulating and relating to the collection of State taxes and tax sales shall also apply to and regulate the collection of parish, district, municipal, board and ward taxes.

HOMESTEAD EXEMPTIONS.

Art. 244. There shall be exempt from seizure and sale by any process whatever, except as herein provided, and without registration, the homestead, *bona fide*, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support, also two work horses, one wagon or cart, one yoke of oxen, two cows and calves, twenty-five head of hogs, or one thousand pounds of bacon or its equivalent in pork, whether these exempted objects be attached to a homestead or not, and on a farm the necessary quantity of corn and fodder for the current year, and the necessary farming implements, to the value of two thousand dollars.

Provided, that in case the homestead exceeds two thousand dollars in value, the beneficiary shall be entitled to that amount in case a sale of the homestead under any legal process realizes more than that sum.

No husband shall have the benefit of a homestead, whose wife owns, and is in the actual enjoyment of property or means to the amount of two thousand dollars.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Art. 245. Rights to homesteads or exemptions, under laws or contracts, or obligations existing at the time of the adoption of this Constitution, shall not be impaired, repealed or affected by any provision of this Constitution, or any laws passed in pursuance thereof.

This exemption shall not apply to the following debts, to-wit:

1st. For the purchase price of property or any part thereof.

2d. For labor, money, and material, furnished for building, repairing or improving homesteads.

3d. For liabilities incurred by any public officer, or fiduciary, or any attorney at law, for money collected or received on deposit.

4th. For taxes or assessments.

5th. For rent which bears a privilege upon said property. No court or ministerial officer of this State shall ever have jurisdiction, or authority, to enforce any judgment, execution, or decree, against the property exempted as a homestead, except the debts above mentioned in numbers one, two, three, four and five, of this Article; provided, the property herein declared exempt shall not exceed in value two thousand dollars.

Art. 246. The right to sell any property that is exempt as homestead shall be preserved; but no sale shall destroy or impair any rights of creditors therein. Any person entitled to a homestead may waive the same, by signing with his wife, if she be not separated *a mensa et thoro*, and having recorded in the office of the Recorder of Mortgages of his parish, a written waiver of the same, in whole or in part. Such waiver may be either general or special, and shall have effect from the time of recording.

Art. 247. The articles of this Constitution relating to homesteads and exemption shall take effect on January 1st, 1899. In the Parish of Orleans, the homestead to be valid shall be recorded as is now, or may be, provided by law.

PUBLIC EDUCATION.

Art. 248. There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State, for the education of all the children of the State between the ages of six and eighteen years; provided, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. All funds raised by the State for the support of public schools, except the

poll tax, shall be distributed to each parish in proportion to the number of children therein between the ages of six and eighteen years. The General Assembly, at its next session shall provide for the enumeration of educable children.

Art. 249. There shall be elected by the qualified electors of the State a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of two thousand dollars. The aggregate annual expenses of his office, including his salary, shall not exceed the sum of four thousand dollars.

Art. 250. The General Assembly shall provide for the creation of a State Board, and Parish Boards of Public Education. The Parish Boards shall elect a Parish Superintendent of Public Education for their respective parishes, whose qualifications shall be fixed by the Legislature, and who shall be ex-officio secretary of the Parish Board. The salary of the Parish Superintendent shall be provided for by the General Assembly, to be paid out of the public school funds accruing to the respective parishes.

Art. 251. The general exercises in the public schools shall be conducted in the English language; provided, that the French language may be taught in those parishes or localities where the French language predominates, if no additional expense is incurred thereby.

Art. 252. The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board.

Art. 253. No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any private or sectarian schools.

Art. 254. The school funds of the State shall consist of:
1st. Not less than one and one quarter mills of the six mills tax

levied and collected by the State. 2d. The proceeds of taxation for school purposes as provided by this Constitution. 3d. The interest on the proceeds of all public lands heretofore granted or to be granted by the United States for the support of the public schools, and the revenue derived from such lands as may still remain unsold. 4th. Of lands and other property heretofore or hereafter bequeathed, granted or donated to the State for school purposes. 5th. All funds and property, other than unimproved lands, bequeathed or granted to the State, not designated for any other purpose. 6th. The proceeds of vacant estates falling under the law to the State of Louisiana. 7th. The Legislature may appropriate to the same fund the proceeds of public lands not designated or set apart for any other purpose, and shall provide that every parish may levy a tax for the public schools therein, which shall not exceed the entire State tax; provided, that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution. The City of New Orleans shall make such appropriation for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for any one year; and said schools shall also continue to receive from the Board of Liquidation of the City Debt, the amounts to which they are now entitled under the Constitutional amendment, adopted in the year 1892.

Art. 255. The Louisiana State University and Agricultural and Mechanical College, founded upon the land grants of the United States to endow a seminary of learning and a college for the benefit of agriculture and the mechanic arts, now established and located in the City of Baton Rouge, is hereby recognized; and all revenues derived and to be derived from the seminary fund, the Agricultural and Mechanical College fund, and other funds or lands donated or to be donated by the United States to the State of Louisiana for the use of a seminary of learning or of a college for the benefit of agriculture or the mechanic arts, shall be appropriated exclusively to the maintenance and support of said Louisiana State University and Agricultural and Mechanical College; and the General Assembly shall make such additional appropriations as may be necessary for its

maintenance, support and improvement, and for the establishment, in connection with said institution, of such additional scientific or literary departments as the public necessities and the well being of the people of Louisiana may require; provided, that the appropriation shall not exceed fifteen thousand dollars per annum for its maintenance and support.

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with the provisions of legislative act No. 43, approved July 5, 1884, and by approval of the electors, made part of the Constitution of the State.

Art. 256. The Louisiana State Normal School, established and located at Natchitoches; the Industrial Institute and College of Louisiana, whose name is hereby changed to the Louisiana Industrial Institute, established and located at Ruston; and the Southern University, now established in the City of New Orleans, for the education of persons of color, are hereby recognized; and the General Assembly is directed to make such appropriations from time to time as may be necessary for the maintenance, support and improvement of these institutions; provided, that the appropriation for the maintenance and support of the Louisiana Industrial Institute shall not exceed fifteen thousand dollars per annum, and that for the Southern University shall not exceed ten thousand.

Art. 257. The debt due by the State to the free school fund is hereby declared to be the sum of one million one hundred and thirty thousand eight hundred and sixty-seven dollars and fifty-one cents in principal, and shall be kept on the books of the Auditor and Treasurer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools, which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent, and that said interest shall be paid to the several townships in the State entitled to the same, in accordance with the Act of Congress, No. 68, approved February 15th, 1843.

Art. 258. The debt due by the State to the seminary fund

is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a seminary of learning, and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent. on said amount.

Art. 259. The debt due by the State to the Agricultural and Mechanical College fund is hereby declared to be the sum of one hundred and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sale of lands and land scrip heretofore granted by the United States to this State for the use of a college for the benefit of agricultural and mechanical arts; and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent. on said amount.

Art. 260. The interest due on the free school fund, the seminary fund and the Agricultural and Mechanical College fund, shall be paid out of any tax that may be levied and collected for the payment of the interest on the State debt.

Art. 261. All pupil in the primary grades in the public schools throughout the Parish of Orleans, unable to provide themselves with the requisite books, an affidavit to that effect having been made by one of the parents of such pupils, or if such parents be dead, then by the tutor or other person in charge of such pupils, shall be furnished with the necessary books, free of expense, to be paid for out of the school fund of said parish; and the School Board of the Parish of Orleans is hereby directed to appropriate annually not less than two thousand dollars for the purpose named, provided such amount be needed.

CORPORATIONS AND CORPORATE RIGHTS.

Art. 262. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor renew, alter or amend the same, nor pass any general or special law for the benefit of such corporation, except upon the condition

that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Art. 263. The exercise of the police power of the State shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Art. 264. No domestic or foreign corporations shall do any business in this State without having one or more known places of business and an authorized agent or agents in the State upon whom process may be served.

Art. 265. No corporation shall engage in any business other than that expressly authorized in its charter or incidental thereto, nor shall it take or hold any real estate for a longer period than ten years, except such as may be necessary and proper for its legitimate business or purposes.

Art. 266. No corporation shall issue stock or bonds, except for labor done or money or property actually received, and all fictitious issues of stock shall be void, and any corporation issuing such fictitious stock shall forfeit its charter.

Art. 267. The stock shall neither be increased nor decreased, except in pursuance of general laws, nor without consent of persons holding the larger amount in value of the stock, first obtained at a meeting of stockholders to be held after thirty days' notice given in pursuance of law.

Art. 268. The term corporation, as used in this Constitution, shall be construed to include all joint stock companies or associations having any power or privileges not possessed by individuals or partnerships.

Art. 269. It shall be a crime, the punishment of which shall be prescribed by law, for any president, director, manager, cashier, or other officer or owner of any private or public bank or banking institution or other corporation accepting deposits or loans to assent to the reception of deposits, or the creation of debts by such banking institutions, after he shall have had knowledge of the fact that it is insolvent or in failing circumstances; any such officer, agent or manager shall be individually responsi-

ble for such deposits so received and all such debts so created with his assent.

Art. 270. The General Assembly shall have power to enact general laws authorizing the parochial, ward and municipal authorities of the State, by a vote of the majority of the property tax-payers in number entitled to vote under the provisions of this Constitution and in value, to levy special taxes in aid of public improvements or railway enterprises; provided, that such tax shall not exceed the rate of five mills per annum, nor extend for a longer period than ten years; and provided further, that no taxpayer shall be permitted to vote at such election unless he shall have been assessed in the parish, ward or municipality to be affected for property the year previous.

Art. 271. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Art. 272. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers.

Art. 273. Every railroad or other corporation, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, the names of owners of stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfers of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers.

Art. 274. If any railroad company, organized under the laws of this State, shall consolidate, by sale or otherwise, with

any railroad company organized under the laws of any other State or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any one consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

Art. 275. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholder.

Art. 276. The police juries of the several parishes and the constituted authorities of all incorporated municipalities of the State shall alone have the power of regulating the slaughtering of cattle and other live stock within their respective limits; provided, no monopoly or exclusive privilege shall exist in this State, nor such business be restricted to the land or houses of any individual or corporation; provided, the ordinances designating the places for slaughtering shall obtain the concurrent approval of the Board of Health or other sanitary organization.

PAROCHIAL AND MUNICIPAL CORPORATIONS.

Art. 277. The General Assembly may establish and organize new parishes, which shall be bodies corporate, with such powers as may be prescribed by law, but no new parish shall contain less than six hundred and twenty-five square miles, nor less than seven thousand inhabitants; nor shall any parish be reduced below that area, or number of inhabitants.

Art. 278. All laws changing parish lines, or removing parish seats, shall, before taking effect, be submitted to the electors of the parish or parishes to be affected thereby, at a special election held for that purpose, and the lines, or the parish seat, shall remain unchanged unless two-thirds of the qualified electors of the parish or parishes affected thereby vote in favor thereof at such election.

Art. 279. Any parish may be dissolved and merged by the General Assembly into a contiguous parish or parishes, two-

thirds of the qualified electors of the parish proposed to be dissolved voting in favor thereof at an election held for that purpose; provided, that the parish or parishes into which the dissolved parish proposes to become incorporated consents thereto by a majority of its qualified electors voting therefor.

Art. 280. Whenever a parish shall be enlarged or created from territory contiguous thereto, it shall be entitled to a just proportion of the property and assets, and be liable for a just proportion of the existing debts or liabilities of the parish or parishes from which such territory shall have been taken.

Art. 281. Municipal corporations, parishes, and drainage districts, the City of New Orleans excepted, when authorized to do so, by a vote of the majority in number and amount of the property tax-payers, qualified as electors under the Constitution and laws of this State, voting at an election held for that purpose, after due notice of said election has been published for thirty days in the official journal of the municipality or parish, and where there is no official journal, in a newspaper published therein, may incur debt, and issue negotiable bonds therefor, to the extent of one-tenth of the assessed valuation of the property within said municipal corporation, parish, or drainage district, as shown by the last assessment made prior to the submission of the proposition to the property tax-payers, as above provided, and may be authorized by the property tax-payers voting at said election, to levy and assess special taxes upon the property subject to taxation in the parish, drainage district or corporation; provided, said taxes so imposed do not exceed five mills on the dollar of the assessed valuation in any one year, nor run for a greater number of years than the number named in the proposition submitted to the tax-payers. No bonds shall be issued for any other purpose than stated in the submission of the proposition to the tax-payers, and published for thirty days, as aforesaid, nor for a greater amount than therein mentioned; nor shall such bonds be issued for any other purpose than for paving and improving streets, roads and alleys, purchasing or constructing a system of water-works, sewerage, drainage, lights, public parks and buildings, bridges and other works of public improvement, the title to which shall vest in the municipal corporation, parish

or drainage district, as the case may be; nor shall such bonds run for a longer period than forty years from their date, or bear a greater rate of interest than five per cent. per annum, or be sold by the municipal corporation, parish or drainage district issuing same for less than par.

The municipal corporation, parish or drainage district issuing such bonds shall provide for the payment of the interest annually, or semi-annually, and the principal thereof at maturity; provided, that the total issue of bonds by any municipality, parish or drainage district, for all purposes shall never exceed ten per cent. of the assessed value of the property in such municipality, parish or drainage district. Provided, that drainage districts availing themselves of the provisions of this ordinance shall be limited to the rate of taxation herein fixed; and such districts shall be prohibited from levying contributions under the provisions of existing laws, and provided, further, that nothing herein contained shall prevent drainage districts from being established under the provisions of existing laws.

Art. 282. One-half of the net amount of all parish taxes and licenses, levied and collected within the corporate limits of the City of Baton Rouge, shall be paid over for the use of said city, by the officer collecting the same, to the officer charged with the custody of the funds of said city.

RAILROAD, EXPRESS, TELEPHONE, TELEGRAPH, STEAMBOAT AND SLEEPING CAR COM- PANY COMMISSION.

Art. 283. A Railroad, Express, Telephone, Telegraph, Steamboat and other Water Craft, and Sleeping Car Commission, is hereby created; to be composed of three members, to be elected from the districts hereinafter named, at the time fixed for the Congressional election in 1898. Of the three commissioners elected in the year 1898, one shall serve two years, one shall serve four years, and one shall six years, the period each is to serve to be determined by lot; thereafter the commissioners from each district shall be elected for a term of six years. They shall be known as the Railroad Commission of

Louisiana. The Commission shall meet and open an office and have its domicile at Baton Rouge, and shall elect one of their number chairman, and may appoint a secretary at a salary of fifteen hundred dollars per annum, and may meet and hold regular or special hearings at such other places as they may find necessary. No member of this Convention shall be eligible to election or appointment as a member of said Commission, prior to the year 1908.

Art. 284. The power and authority is hereby vested in the Commission, and it is hereby made its duty, to adopt, change or make reasonable and just rates, charges and regulations, to govern and regulate railroad, steamboat and other water craft, and sleeping car, freight and passenger tariffs and service, express rates, and telephone and telegraph charges, to correct abuses, and prevent unjust discrimination and extortion in the rates for the same, on the different railroads, steamboat and other water craft, sleeping car, express, telephone and telegraph lines of this State, and to prevent such companies from charging any greater compensation in the aggregate for the like kind of property or passengers, or messages, for a shorter than a longer distance over the same line, unless authorized by the Commission to do so in special cases; to require all railroads to build and maintain suitable depots, switches and appurtenances, wherever the same are reasonably necessary at stations, and to inspect railroads and to require them to keep their tracks and bridges in a safe condition, and to fix and adjust rates between branch or short lines and the great trunk lines with which they connect, and to enforce the same by having the penalties hereby prescribed inflicted through the proper courts having jurisdiction.

The Commission shall have power to adopt and enforce such reasonable rules, regulations, and modes of procedure, as it may deem proper for the discharge of its duties, and to hear and determine complaints that may be made against the classification or rates it may establish, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges, and other acts, required or authorized by these provisions. They shall have power to summon and compel the attend-

ance of witnesses, to swear witnesses, and to compel the production of books and papers, to take testimony under commission, and to punish for contempt, as fully as is provided by law for the district courts.

Art. 285. If any railroad, express, telephone, telegraph, steamboat and other water craft, or sleeping car company, or other party in interest, be dissatisfied with the decision or fixing of any rate, classification, rules, charge, order, act or regulation, adopted by the Commission, such party may file a petition setting forth the cause or causes of objection to such decision, act, rule, rate, charge, classification or order, or to either or to all of them, in a court of competent jurisdiction, at the domicile of the Commission, against said Commission as defendant, and either party to said action may appeal the case to the Supreme Court of the State, without regard to the amount involved, and all such cases, both in the trial and appellate courts, shall be tried summarily, and by preference over all other cases. Such cases may be tried in the court of the first instance either in chambers, or at term time; provided, all such appeals shall be returned to the Supreme Court within ten days after the decision of the lower court; and where the Commission appeals, no bond shall be required. No bond shall be required of said Commission in any case, nor shall advance costs, or security for costs, be required of the Commission.

Art. 286. If any railroad, express, telephone, telegraph, steamboat, or other water craft, or sleeping car company, subject hereto, directly or indirectly, or by any special rate, rebate, or other device, shall intentionally charge, demand, collect or receive from any person, firm or corporation, a greater or less compensation for any service rendered by it, than it charges, demands or receives from any other person, firm or corporation, for doing a like and contemporaneous service, or shall violate any of the rates, charges, orders or decisions of said Commission, such railroad, steamboat or other water craft, express, telegraph, telephone or other company, shall forfeit and pay to the State not less than one hundred dollars, nor more than five thousand dollars, to be recovered before any court of competent jurisdiction, at the suit of said Commission, at the domicile of the Com-

mission or of the company, or at the place where the complaint arises, at the option of the Commission. Provided, that whenever any rate, order, charge, rule or regulation of the Commission is contested in court, as provided for in Article 285 of this Constitution, no fine or penalty for disobedience thereto, or disregard thereof, shall be incurred until after said contestation shall have been finally decided by the courts, and then only for acts subsequently committed.

The power of the Commission shall affect only the transportation of passengers, freight, express matter, and telegraph and telephone messages, between points within this State, and the use of such instruments within this State.

Art. 287. Until otherwise provided by law, the members of the Commission shall each receive a salary of three thousand dollars per annum, payable monthly on his own warrant, and their actual traveling expenses, and those of their secretary; which expenses, and the salary of the latter, shall be paid on the warrant of the Chairman of the Commission on a sworn statement of their correctness.

Nothing herein shall prevent the railroad, express, telegraph, telephone and steamboat or other water craft, or other companies, from serving free of cost, or at reduced rates, the State or any city, parish, or town government, or any charitable purpose, or any fair or exposition, or any destitute or indigent person, or the issuance of mileage or excursion tickets; nor to prevent railroads, steamboats or other water craft, from giving free transportation to ministers of religion, or inmates of hospitals, or to railroad officers, agents, employes, attorneys, stockholders or directors, unless otherwise provided by this Constitution.

Art. 288. Upon the recommendation of the Commission the Legislature may add to or enlarge the powers and duties of said Commission, or confer other powers and duties on them. They may also provide additional clerical, or other assistance, that may be deemed necessary for the discharge of the duties of said Commission, and may add other penalties to make the work of said Commission effective.

It shall be the duty of the Attorney General, and the various

district attorneys, to aid said Commission in all legal matters, for which they shall receive not exceeding 25 per cent. of all fines and forfeitures collected by them; provided, the Commission may employ other attorneys in lieu of these officers on like terms.

No person in the service of, or attorney for, any railway, express, telephone, telegraph, steamboat or other water craft, sleeping car company or corporation, or pecuniarily interested in such company or corporation, shall hold the office of Commissioner.

The fines collected, after paying the attorney's fees and the costs in suits, in which the Commission may be cast for costs, shall be paid into the State Treasury.

Art. 289. The State is hereby divided into three Railway Commission Districts, and one Commissioner shall be elected from each of said districts by a plurality of the voters of the respective districts. The First District shall comprise the parishes of Orleans, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist and St. James. The Second District shall comprise the parishes of Iberville, Ascension, Assumption, Lafourche, Terrebonne, St. Mary, Iberia, St. Martin, Lafayette, Vermillion, Cameron, Calcasieu, Avoyelles, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, West Baton Rouge, East Baton Rouge, St. Helena, Livingston, Tangipahoa, Washington, St. Tammany and Acadia. The Third District shall comprise the parishes of Rapides, Vernon, Sabine, Grant, Natchitoches, Winn, Red River, DeSoto, Caddo, Bossier, Webster, Bienville, Concordia, Caldwell, Franklin, Tensas, Madison, Richland, Ouachita, Jackson, Lincoln, Union, Morehouse, East Carroll, West Carroll, Claiborne and Catahoula.

RIPARIAN RIGHTS.

Art. 290. Riparian owners of property on navigable rivers, lakes, and streams, within any city or town in this State having a population in excess of five thousand shall have the right to erect and maintain on the batture or banks owned by them, such wharves, buildings and improvements as may be required for

the purposes of commerce and navigation, subject to the following conditions, and not otherwise, to-wit: Such owners shall first obtain the consent of the Council, or other governing authority, and of the Board of Levee Commissioners, within whose municipal or levee district jurisdiction such wharves, buildings, and improvements are to be erected, and such consent having been obtained, shall erect the same in conformity to plans and specifications which shall have been first submitted to, and approved by, the engineer of such Council, or other governing authority; and when so erected, such wharves, buildings, and improvements shall be, and remain, subject to the administration and control of such Council, or other governing authority, with respect to their maintenance and to the fees and charges to be exacted for their use by the public, whenever any fee or charge is authorized to be and is made; and shall be and remain subject to the control of such Board of Levee Commissioners, in so far as may be necessary for the maintenance and administration of the levees in its jurisdiction. The Council, or other governing authority, shall have the right to expropriate such wharves, buildings, and improvements, whenever necessary for public purposes, upon reimbursing the owner the cost of construction, less such depreciation as may have resulted from time and decay; such reimbursement, however, in no case to exceed the actual market value of the property. Provided, that nothing in this article shall be construed as affecting the right of the State, or of any political subdivision thereof, or of the several Boards of Levee Commissioners to appropriate without compensation such wharves, buildings, and improvements, when necessary for levee purposes.

The grants made by the City of New Orleans under the terms of Ordinance 11,765, Council Series, adopted January 14, 1896, authorizing the construction, use, and maintenance of wharves, structures, and improvements upon certain riparian property in the Sixth Municipal District, and other grants of the same nature made by the City of New Orleans to riparian owners with reference to their property, are recognized as necessary aids to the commerce of this State, and are hereby ratified, and declared to be lawful, but shall in no event be construed

as conferring greater privileges or rights than might be conferred under this article, or as releasing the riparian owners from the obligations herein imposed or which may have been imposed upon or assumed by such riparian owner by contract, municipal ordinance or otherwise.

PUBLIC ROADS.

Art. 291. The Police Juries of this State may form their respective parishes into road districts; and in order to raise funds for the purpose of constructing, maintaining and repairing, the public roads and bridges of their parishes, they are authorized to set aside at least one mill per annum of the taxes levied by them, and to impose a per capita tax of not more than one dollar per annum upon each able-bodied male inhabitant of the parish between the ages of eighteen and fifty-five years, and to levy an annual license of not less than twenty-five cents, nor more than one dollar per annum upon each vehicle, including bicycles kept and used for locomotion over public roads, in their respective parishes; which license may be graduated. The provisions of this article relative to the per capita tax shall not be operative in incorporated towns and cities that maintain their own streets.

To carry into effect the provisions of this article the Police Juries may enact such ordinances of a civil nature as may be necessary to enforce the property and license tax, and of a criminal nature to enforce the per capita tax. Other taxes may be levied by the Police Juries for road and bridge purposes, not to exceed five mills for five years on the property of the parish, or any ward thereof, where the rate of taxation and the purpose thereof shall have been submitted to the property tax-payers of said ward or parish entitled to vote under the election laws of the State, and a majority in numbers and value of those voting at said election shall have voted in favor thereof.

Art. 292. When any parish shall avail itself of the provisions of this article, the judge, in passing sentence on persons convicted of any offense, when the punishment imposed by law is imprisonment in the parish jail in the first instance, or in

default of payment of fine, may sentence such persons to work on the public roads and bridges and any other public works of the parish; and when the punishment prescribed by law is imprisonment in the penitentiary, he may sentence the persons so convicted to work on the public roads and bridges and other public works of the parish where the crime was committed, if the sentence actually imposed does not exceed six months. All fines and penalties imposed on persons for infringement of the any ordinance relative to roads and bridges, shall go, when collected, into the road and bridge fund of the parish.

Art. 293. The Police Jury shall relieve from compulsory road duty all persons who have paid the road and bridge tax and license levied against them.

Art. 294. The State Board of Engineers, whenever called on so to do, shall furnish the different road districts with plans and specifications for public roads, and such assistance and advice as will tend to create a uniform system of public roads throughout the State.

BOARD OF CHARITIES AND CORRECTIONS.

Art. 295. The Legislature shall provide for a State Board of Charities and Corrections, which shall consist of six members, and of which the Governor shall be chairman ex-officio. Upon the organization of said Board, the Governor shall appoint one member for six years, one for five years, one for four years, one for three years, one for two years, and thereafter shall make appointments for six years, except in case of vacancy in office, when the appointment shall be made for the unexpired term. The members of the Board shall serve without compensation, but they shall be authorized to elect a secretary, who shall receive such salary as may be fixed by the Legislature. The State shall provide an office for said Board, and shall make provision from time to time for the payment of its expenses.

The duties of the Board shall be strictly visitatorial, without administrative or executive powers. It shall visit and inspect all State, parish or municipal institutions which are of a charitable, eleemosynary, correctional, or reformatory character, and all pri-

vate institutions of like character utilized or aided by parochial or municipal authority, and all private insane asylums, whether so utilized or aided or not.

The Board shall report annually to the Governor, and to the Legislature at each session thereof, the actual condition of all of the above institutions. They shall make such suggestions to the Governor and Legislature as may be necessary and pertinent; provided, said suggestions are concurred in by a majority of the members of the Boards in control of each of said institutions. The officers in charge of said institutions shall furnish the Board such information and statistics as it may require.

BOARDS OF HEALTH, AND STATE MEDICINE.

Art. 296. The General Assembly shall create for the State, and for each parish and municipality therein, Boards of Health, and shall define their duties, and prescribe the powers thereof. The State Board of Health shall be composed of representative physicians from the various sections of the State. Until otherwise provided by law, both the President and Secretary of the State Board of Health shall be ex-officio members of the Board of Health for the City of New Orleans, the President of the State Board to be the President of the local Board of the City of New Orleans.

Art. 297. The General Assembly shall provide for the interest of State Medicine in all its departments; for the protection of the people from unqualified practitioners of medicine, and dentistry; protecting confidential communications made to medical men by their patients while under professional treatment and for the purpose of such treatment; for protecting the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all adulterations of the general necessaries of life of whatever kinds and character.

MILITIA.

Art. 298. The General Assembly shall have authority to provide by law how the militia of this State shall be organized,

officered, trained, armed and equipped, and of whom it shall consist.

Art. 299. The officers and men of the militia and volunteer forces shall receive no pay, rations or emoluments, when not in active service by authority of the State.

Art. 300. The General Assembly may exempt from military service those who belong to religious societies whose tenets forbid them to bear arms; provided, a money equivalent for these services shall be exacted.

Art. 301. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public service may require it; provided, that the police force of any city, town or parish, shall not be organized or used as a part of the State militia.

PENSIONS.

Art. 302. The Soldiers' Home of the State of Louisiana, known as Camp Nicholls, shall be maintained by the State, and the General Assembly shall make an appropriation for each year based upon the number of inmates in said home on the first day of April of the year in which said appropriation is made, of one hundred and thirty dollars per capita, for the maintenance and clothing of such inmates from which one dollar per month shall be allowed to each inmate for his personal use, and shall make such further appropriations for building, repairs and incidentals, as may be absolutely necessary.

Art. 303. A pension not to exceed eight dollars per month shall be allowed to each Confederate soldier or sailor veteran, who possesses all of the following qualifications:

1st. He shall have served honorably from the date of his enlistment until the close of the late Civil war, or until he was discharged or paroled, in some military organization regularly mustered into the army or navy of the Confederate States, and shall have remained true to the Confederate States until the surrender.

2d. He shall be in indigent circumstances, and unable to earn a livelihood by his own labor or skill.

3d. He shall not be salaried or otherwise provided for by the State of Louisiana, or by any other State or Government.

In case he enlisted in any organization mustered into said service as a Louisiana organization, or in case at the date of his enlistment he resided in the State of Louisiana, he shall have resided in this State for at least five years prior to his application for a pension. In case he resided elsewhere than in this State, and enlisted in an organization not mustered in from Louisiana, or in the navy of the Confederate States, he shall have resided in this State for at least fifteen years prior to his application for such pension. A like pension shall be granted to the widow, who shall not have married again, in indigent circumstances, of any soldier or sailor who, having entered the service of the Confederate States during the late Civil War, lost his life prior to June 1st, 1865, from wounds received, or disease contracted in such service; provided, that if her deceased husband served in an organization mustered in from Louisiana, or if he resided in Louisiana at the date of his enlistment, and had so resided for one year prior thereto, then in order that such widow shall be entitled to the pension as herein provided, she shall have resided in this State for at least five years prior to her application therefor; and if her deceased husband enlisted elsewhere than in Louisiana, and served in an organization not mustered in from Louisiana, such widow shall, in order to entitle her to the pension as herein provided, have resided in this State for not less than fifteen years prior to her application for such pension; provided, further, that pensions, whether to veterans or to widows, shall be allowed only from the date of application under this article, and the total appropriation for all pensions shall not exceed fifty thousand dollars in any one year.

Art. 304. The General Assembly shall appropriate not less than twelve hundred dollars per annum for the maintenance in New Orleans of a Memorial Hall or repository for the collection and preservation of relics and mementoes of the late Civil War, and of other objects of interest, and shall be authorized to make suitable appropriations for the erection of monuments and markers on the battlefields of the country, commemo-

rative of the services, upon such fields, of Louisiana soldiers and commands.

AGRICULTURE AND IMMIGRATION.

Art. 305. The existing Bureau of Agriculture and Immigration shall hereafter be known as the Louisiana State Board of Agriculture and Immigration, and shall be recognized as an integral part of the State Government.

Art. 306. The Louisiana State Board of Agriculture and Immigration shall have the control and direction of all State agricultural organizations and State Farmers' Institutes, and shall adopt the needful measures for the securement of proper immigration.

It shall also encourage State, district and parish fairs and local agricultural organizations, and shall maintain effective control of the manufacture or sale, in this State, of fertilizers and Paris green for the suppression of adulteration and fraud therein. It shall perform such other duties and shall have such other powers as shall be prescribed by the General Assembly.

Art. 307. The said Board of Agriculture and Immigration shall consist of one member from each Congressional district, appointed by the Governor, by and with the advice and consent of the Senate, from men engaged in the leading agricultural interests of the State: the said members to hold their offices for six years, or until their successors are appointed. In the first appointment, which shall be made within sixty days after the adjournment of this convention, the members from the first and fourth districts shall be appointed for two years; those from the second and fifth districts for four years; and those from the third and sixth districts for six years. The Governor of the State, the Commissioner of Agriculture and Immigration, the President of the State University and Agricultural and Mechanical College, the Vice-President of the Board of Supervisors of the State University and Agricultural and Mechanical College, and the Director of the State experimental stations are and shall be ex-officio members of this Board. The members of said Board shall serve without compensation, except actual expenses incurred in attending the meetings.

Art. 308. The paramount importance of our agricultural interests, and the necessity of peopling with a desirable population the vast unoccupied areas of our fertile lands, require an enlargement of the duties and an expansion of the scope of the work of this Board, for which the General Assembly shall enact such laws as may be necessary to carry out the provisions of this article.

CITY OF NEW ORLEANS.

Art. 309. There shall be seven Assessors in the City of New Orleans, who together shall compose the Board of Assessors for the Parish of Orleans. One shall be appointed from each municipal district of the City of New Orleans, and they shall be residents of the districts from which they are appointed.

There shall be seven State Tax Collectors for the City of New Orleans. One shall be appointed from each municipal district. They shall be residents of the districts from which they are appointed, and they shall maintain offices in their respective districts. The said Assessors and Tax Collectors shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years.

The first appointments under this Constitution of said officers shall be after the general election in 1900.

Art. 310. There shall be one coroner for the parish of Orleans, who shall be elected for four years by the qualified electors of said parish, and whose duties shall be fixed by law. He shall be *ex-officio* city physician of the City of New Orleans, and shall receive an annual salary of forty-eight hundred dollars. He shall be a practicing physician of said city and a graduate of the medical department of some university of recognized standing. He shall appoint two assistants, having the same qualifications as himself; one at an annual salary of twenty-six hundred dollars, and one at an annual salary of six hundred dollars.

Art. 311. The assistant whose salary is hereby fixed at six hundred dollars shall be a resident of the Fifth district of the parish or City of New Orleans and shall have his office in said district.

The assistant whose salary is fixed at twenty-six

hundred dollars shall be a resident of that portion of the City of New Orleans lying on the left bank of the Mississippi river.

This provision shall take effect from and after the next general election. The salaries of the coroner and his assistants shall be paid by the City of New Orleans.

Art. 312. Any person whose property has been appropriated within twelve months prior to the adoption of this Constitution, or whose property may hereafter be appropriated by the Orleans Levee Board for levee purposes, shall have a right of action against said Board in any court of competent jurisdiction for the value of said property, and whatever judgment may be finally rendered against the Board shall be paid out of the taxes collected by it in the same manner as other disbursements are made; provided, that this shall not apply to batture property, nor to vacant property, where only a part thereof has been taken for levee purposes, and where the effect of the levee building would be to protect the remaining part of the same property; nor to any property on any part of the river front, the administration and control of which is vested, for the purposes of commerce, either in the State or city authorities, and on which improvements have been erected under grants from the City of New Orleans, or other authority, nor to the said improvements; provided, that said Board shall have power to appropriate property subject to such servitude, for levee building, as under existing laws, without making such compensation in advance.

Art. 313. All surplus revenues of the City of New Orleans, from the year 1879 to the year 1895, both inclusive, except the surplus revenue dedicated to permanent public improvement, and to schools, by Act No. 110 of 1890, derived from the one per cent. tax levied under said act, shall be turned over by the city to the Board of Liquidation of the City Debt. Said Board shall redeem all claims evidenced by financial ordinance or judgment against the City of New Orleans, for debts arising and incurred between the years 1879 to 1895, both inclusive, payment of which has not heretofore been provided for out of the reserve and permanent public improvement funds of the city for the years 1893 to 1898, both inclusive, excepting therefrom the claims of school teachers for the years 1880 to 1884, payment

of which has been authorized by Act No. 110 of 1890, and is now being provided for by the city, said claims or judgments to be purchased on the most reasonable terms offered by creditors within the period of eighteen months succeeding the date of the adoption of this Constitution, the said Board to invite proposals by public advertisements, to be made bi-monthly; provided, any and all bids may be rejected. For the purpose of such redemption the City of New Orleans, through the Board of Liquidation, is hereby authorized to issue bonds to the extent of two hundred and fifty thousand dollars, bearing four per cent. per annum interest, payable semi-annually in such denominations as may be by said Board determined upon, maturing in fifty years from the date of issue, but subject to redemption by said Board in the reverse order of their issue at any time after sixty days' notice.

Said Board is hereby authorized in its discretion to exchange said bonds for said claims against the city, evidenced by financial ordinances or judgments, or to sell said bonds, and with the proceeds thereof purchase said claims; provided, that no sale of said bonds shall be made for less than par.

Said Board of Liquidation shall, at any time it may be necessary, sell a sufficient number of the Constitutional Bonds of the City of New Orleans, now unsold, of the issue provided for by Act No. 110 of the General Assembly for the year 1890, and by the amendment to the Constitution of the State submitted to the people by said act and adopted at the general election in 1892, to provide for the payment of interest or principal of the bonds hereby authorized to be issued. Whenever the said Board of Liquidation shall have received from the surplus revenues of the City of New Orleans, as provided herein, sufficient funds to meet the issue of bonds hereby authorized in principal and interest, the remainder of the surplus revenues so turned over to the said Board shall revert to the city.

Art. 314. The provisions of the amendment embodied in joint resolution of the General Assembly No. 110, approved July 8th, 1890, and thereafter ratified by the people and made part of the Constitution, are recognized as of full force and effect; the authority conferred upon the City of New Orleans and upon

the Board of Liquidation of the City Debt, with respect to the issuance of constitutional bonds of the City of New Orleans, and to the levy and collection of a special *ad valorem* tax of one per cent. upon all the taxable property, real, personal and mixed, in said city, for the payment of said bonds, in principal and interest, and with respect to the manner of such payment, is confirmed, as are also all rights vested by said amendment in the present and future holders of said bonds, whether issued or to be issued; and no limitations imposed by other provisions of this Constitution upon the authority of the City of New Orleans, shall be held to include, apply to, or affect, the taxing power herein contemplated and confirmed.

Art. 315. The City of New Orleans is hereby authorized and required to examine into and assume payment of the obligations of the Board of Directors of the Public Schools of the Parish of Orleans for unpaid salaries of school teachers and portresses and of other legitimate claims against said School Board, for the years 1882, 1883 and 1884, and for unpaid salaries of school teachers and portresses for the years 1885, 1886 and 1887, now in the hands of the original owners, who have in no wise parted with their rights of ownership, or pledged the same, as may be found by said city to be equitably due by said Board. All claims to be examined into and assumed by the City of New Orleans under this Article shall be presented to and filed with the City Council of said city within ninety days after the adoption of this Constitution, and not thereafter.

Art. 316. The City Council shall issue certificates of indebtedness to the owners of said claims, when examined and found to be equitably due, and all such certificates shall be paid by the Board of Liquidation. If any of the claims aforesaid be rejected by the said City Council, the decision thereon may be reviewed by any Court of competent jurisdiction, and the judgment of the court thereon shall, if in favor of the claimant, be likewise paid by the Board of Liquidation.

Art. 317. The funds requisite to pay said claims shall be provided by said Board of Liquidation, by the sale of a sufficient number of the constitutional bonds of the City of New Orleans of the issue provided for by Act No. 110 of the General Assem-

bly for the year 1890, and by the amendment to the Constitution of the State submitted to the people by said act and adopted at the general election in 1892.

Art. 318. The General Assembly of the State of Louisiana is hereby authorized to amend Act No. 110 of 1890, confirmed by Constitutional amendment of 1892, providing for the refunding of the city debt so far only as to provide that in the further issue of bonds under said act within the limit of ten million dollars, provided for in said act, the City of New Orleans through the Board of Liquidation, shall have authority to issue registered bonds, and to authorize the exchange of registered bonds for equal amounts of outstanding four per cent. coupon bonds of the City of New Orleans, issued under authority of said act, having the same time to run and at the same rate of interest, and provide for their registration and payment of interest. All registered bonds issued by the City of New Orleans under the amended act as herein provided shall have the same guarantees, and the holders of said bonds shall have the same privileges, as are now secured by said act to the holders of coupon bonds. Said registered bonds shall be denominated Registered Constitutional Bonds of the City of New Orleans, Authorized by Act No. 110 of 1890, and Amendment thereto.

Art. 319. The electors of the City of New Orleans, and of any political corporation which may be established within the territory now, or which may hereafter be, embraced within the corporate limits of said city, shall have the right to choose the public officers, who shall be charged with the exercise of the police power and with the administration of the affairs of said corporation in whole or in part.

Art. 320. This article shall not apply to the Board of Liquidation of the City Debt, nor shall it be construed as prohibiting the establishment of Boards or Commissions, the members of which are elected by the Council or appointed by the Mayor with the consent of the Council. As to all other existing Boards or Commissions affected by it, said article shall take effect from and after the first municipal election which shall be held in the City of New Orleans after the adoption of this Constitution; provided that nothing herein contained shall be so construed

as to prevent the Legislature from creating Boards or Commissions, whose powers shall extend in and beyond the Parish of Orleans, or as affecting present Boards of that character, or the Board of Directors of the public schools; provided, that hereafter, in creating any Board with such powers, or in filling vacancies therein, at least two-thirds of the members thereof shall be from the City of New Orleans, and elected by the people or Council thereof, or appointed by the Mayor as hereinabove provided.

AMENDMENTS TO THE CONSTITUTION.

Art. 321. Propositions for the amendment of this Constitution may be made by the General Assembly at any session thereof, and if two-thirds of all the members elected to each house shall concur therein, after such proposed amendments have been read in such respective houses on three separate days, such proposed amendment or amendments, together with the yeas and nays thereon, shall be entered on the Journal, and the Secretary of State shall cause the same to be published in two newspapers published in the parish of Orleans and in one paper in each other parish of the State in which a newspaper is published, for two months preceding an election for Representatives in the Legislature or in Congress, to be designated by the Legislature, at which time the said amendment or amendments shall be submitted to the electors for their approval or rejection; and if a majority voting on said amendment or amendments shall approve and ratify the same, then such amendment or amendments so approved and ratified shall become a part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately. The result of said election shall be made known by the proclamation of the Governor.

CODE OF CRIMINAL LAW, PROCEDURE AND CORRECTION.

Art. 322. It shall be the duty of the Governor to appoint a commission to prepare drafts of a Code of Criminal Law, of a

Code of Criminal Procedure, and of a Code of Criminal Correction for this State. The drafts of such codes, when prepared, shall be promptly printed, and copies thereof shall be sent to each judge of this State, and to such other persons in or out of this State as the Governor may think proper, with the request from him for suggestions and criticisms. The Governor shall submit to the General Assembly of this State, first convened, after the lapse of one year from the distribution of the printed copies of said drafts as above, the said drafts, together with the report of the Commission, and with a message from himself in which he shall embody and condense each suggestion he shall deem of use. And the General Assembly shall have power to adopt said Codes, with such amendments as they may deem advisable, by vote in each House, without complying with the formalities of readings and the other formalities required by the Constitution in the passage of statutes. No promulgation of said code shall be required beyond its publication in book form after same shall have become a law.

Art. 323. All amendments proposed in the General Assembly shall be proposed within the first thirty days after its convening, and no amendment shall be proposed after the lapse of that time. All amendments shall be referred to a joint committee of both Houses, consisting of two members from each House, with the Attorney General as *ex-officio* chairman. Only such amendments shall be voted on as shall be favorably reported by this committee, and each amendment shall be voted on separately.

Art. 324. The Commission to prepare said drafts shall be composed of three lawyers of this State. The compensation of said Commissioners shall be fixed by the General Assembly. Said compensation to be payable only when the drafts have been prepared and submitted to the Governor; but the other expenses of the Commission shall be promptly paid as incurred, and the Governor is hereby warranted to draw on the General Fund for said compensation, and for all the expenses of printing the said drafts, and for the other expenses incurred under this act.

SCHEDULE.

Art. 325. That no inconvenience may arise from the adoption of this Constitution, and in order to carry this Constitution into complete operation, it is hereby declared:

First—That all laws in force in this State, at the time of the adoption of this Constitution, not inconsistent therewith, and constitutional when enacted, shall remain in full force and effect until altered or repealed by the General Assembly, or until they expire by their own limitation. All ordinances passed and ratified by this Convention and appended to the official original draft of the Constitution delivered to the Secretary of State, shall have the same force and effect as if included in, and constituting a part of, this Constitution.

Second—All writs, actions, causes of action, proceedings, prosecutions and rights of individuals, or bodies corporate, and of the State, when not inconsistent with this Constitution, shall continue as valid and in full force and effect.

Third—The provisions of all laws, which are inconsistent with this Constitution, shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them, shall remain in full force until such legislation is had.

Fourth—All recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any parish, city, municipality, board, or other public corporation therein, and all fines, taxes, penalties, forfeitures and rights, due, owing or accruing to the State of Louisiana, or to any parish, city, municipality, board, or other public corporation therein, under the Constitution and laws heretofore in force, and all writs, prosecutions, actions and proceedings, except as herein otherwise provided, shall, continue and remain unaffected by the adoption of this Constitution. All indictments and informations which shall have been found or filed, or may hereafter be found or filed for any crime or offense committed before the adoption of this Constitution, may be prosecuted as if no change had been made, except as herein otherwise provided.

Fifth—All officers, executive, legislative and judicial, State parish or municipal, who may be in office at the adoption of this Constitution, or who may be elected or appointed before the election or appointment of their successors, as herein provided, shall hold their respective offices until their terms shall have expired, and until their successors are duly qualified, as provided in this Constitution, unless sooner removed, as may be provided by law; and shall receive the compensation now fixed by the Constitution and laws in force at the adoption of this Constitution, except as herein otherwise provided.

Sixth—The Constitution of this State, adopted in 1879, and all amendments thereto, are declared to be superseded by this Constitution; provided, however, that no failure on the part of this Convention to re-enact and re-ordain any article or ordinance contained in the Constitution of 1879 upon any of the subjects upon which this Convention is by the act convening it prohibited from enacting, ordaining or framing any article or ordinance, shall be construed as in any manner impairing or affecting the provisions of the Constitution of 1879, upon the prohibited subjects.

Seventh—The Supreme Court, Courts of Appeal and District Courts, provided for by this Constitution, are declared to be, and shall be construed to be the same courts as those of the same name, created by the Constitution of 1879, and all writs, orders and process issued from said courts, which shall be pending, or in course of execution at the date when this Constitution goes into effect, together with all the records and archives of said courts, shall at once, by virtue of this article, be transferred to, and held to be cases pending in, and writs, orders and process issued from, and in course of execution, under the authority of, and records and archives of said courts respectively, as organized under this Constitution.

Eighth—This Constitution, adopted by the people of the State of Louisiana, in Convention assembled, shall be in full force and effect from and after this 12th day of May, 1898, save and except as otherwise provided in and by said Constitution.

Art. 326. The first General Assembly, meeting after the adoption of this Constitution, is required to make a special ap-

propriation to pay the debt which this Convention has contracted with the Louisiana National Bank, the Hibernia National Bank and the New Orleans National Bank, of the City of New Orleans, with interest at five per cent. per annum from May 9th, 1898, until paid, and for which certificates are held by said banks, issued to them pursuant to an ordinance heretofore adopted by this Convention, and which said debt was incurred for the purpose of enabling this Convention to complete its work.

There shall be printed in book or pamphlet form 1500 copies of the Journal of the Convention, and 5000 copies of this Constitution, and each member of the Convention shall be entitled to 8 copies of the Journal and 25 copies of the Constitution. The remaining copies shall be delivered to the Secretary of State, to be disposed of as may hereafter be ordered by the Legislature.

Said General Assembly shall also make any appropriation required to pay any loan or loans heretofore negotiated, or which may hereafter be negotiated by the Governor, pursuant to an ordinance heretofore adopted by this Convention, for the purpose of defraying the expenses of organizing and mobilizing the State's quota of volunteers called for by the proclamation of the President of the United States, heretofore promulgated.

Done in Convention, in the City of New Orleans, on the 12th day of May, in the year of our Lord, one thousand eight hundred and ninety-eight, and of the Independence of the United States of America, the one hundred and twenty-second.

E. B. KRUTTSCHNITT,
President of the Convention.

R. H. SNYDER, -

First Vice-President of the Convention.

S. McC. LAWRASON, .

Second Vice-President of the Convention.

Attest:

ROBERT S. LANDRY,

Secretary of the Convention.

MISCELLANEOUS ORDINANCES.

POSTPONING THE SESSION OF THE GENERAL ASSEMBLY.

Be it ordained by the people of the State of Louisiana in Convention assembled:

Art. 1. That the next regular session of the General Assembly of this State, to be held on the second Monday in May, 1898, be and the same is hereby postponed until the third Monday in May, 1898, and that the Governor of the State be and is hereby authorized and requested to issue his proclamation to that effect.

Art. 2. Said General Assembly may adjourn its said session from time to time during the year 1898, provided that said session, including any and all adjournments thereof, shall not exceed sixty days in duration.

Done in Convention this 30th day of April, 1898.

LOAN TO DEFRAY THE EXPENSES OF THE CONVENTION.

Be it ordained by the people of the State of Louisiana in Convention assembled:

Art. 1. That the President of this Convention, and the Chairman of the Committee on Contingent Expenses, are hereby authorized and instructed, in the name and by the authority of this Convention, to negotiate a loan of fifteen thousand dollars, or so much thereof as may be necessary to defray the residue of the expenses of this Convention not provided for by the Act of the General Assembly calling this Convention, and to enable the Convention to complete the work of framing the new Constitution.

Art. 2. Said loan shall be evidenced by one or more certificates of indebtedness, signed by the President of this Convention, and countersigned by the Secretary thereof, under seal of this Convention, and bearing interest from the date of such certificates until paid, at such rate, not exceeding 6 per cent. per annum, as may be agreed upon between the President of this Convention and the Chairman of the Committee on Contingent Expenses, as representing the Convention, and the lenders. Said certificates of indebtedness shall be payable on the first day of

July, 1898, at any bank in the City of New Orleans which may be named on their face.

The General Assembly, at its next session, shall make a special appropriation to pay said certificate or certificates.

Done in Convention this 22d day of April, 1898.

LOAN FOR MOBILIZATION OF STATE TROOPS.

Be it ordained by the people of the State of Louisiana in Convention assembled:

Art. 1. The Governor is authorized and empowered to borrow Fifty Thousand Dollars, or as much thereof as may be necessary, on the credit of the State, to defray the necessary expense of organizing and mobilizing the State's quota of volunteers called for by the proclamation of the President of the United States heretofore promulgated, and the Legislature shall, at its next session, make an appropriation to pay the loan negotiated in pursuance thereof.

Done in Convention this 27th day of April, 1898.

DELEGATES
 —TO—
THE CONSTITUTIONAL CONVENTION
 —OF—
THE STATE OF LOUISIANA.
1898.

E. B. KRUTTSCHNITT... ..President.
 R. H. SNYDER... .. First Vice President
 S. McC. LAWRASON... ..Second Vice President.
 ROBERT S. LANDRY... ..Secretary

Alexander, T. Caddo.
 Allen, A. C., St. Mary.
 Badeaux, Thomas A., Lafourche.
 Bailey, B. W., Winn.
 Barrow, Robert Ruffin, Terrebonne.
 Bell, T. F., at large, Caddo.
 Behrman, Martin, Orleans, 15th Rep. District.
 Bird, C. C., East Baton Rouge.
 Blanchard, Max, Jr., Orleans, 7th Rep. District.
 Boatner, C. J., at large, Orleans.
 Bolton, G. W., at large, Rapides.
 Bond, Joseph L., Lincoln.
 Boone, J. T., Blenville.
 Breazeale, Phanor, Natchitoches.
 Browning, Charlton K., Orleans, 11th Rep. District.
 Bruns, H. Dickson, at large, Orleans.
 Bu ke, Walter James, Iberia.
 Burns, Thomas M., St. Tammany.
 Caillouet, L. P., Lafourche.
 Cameron, Robt. S., Grant.
 Carver, M. H. at large, Natchitoches.
 Castleman, Thomas, W., Orleans, 14th Rep. District.
 Chenet, James V., St. John Baptist.
 Chiapella, Henry, Orleans, 7th Rep. District.
 Clingman, A. K., at large, Claiborne.
 Coco, A. V., at large, Avoyelles.
 Cordill, C. C., Tensas.

Cordill, W. J., Franklin.
 Couvillion, G. Horace, Avoyelles.
 Dagg, J. L., Concordia.
 Davenport, C. C., Morehouse.
 Davidsen, M. W., Livingston.
 Dawkins, R. B., at large, Union.
 Deblieux, John, Iberville.
 Dossman, L. J., St. Landry.
 Draughon, Robt. L., Tangipahoa.
 Dreibold, E. William, St. Mary.
 Drew, Harrison C., Calcasieu.
 Drew, R. C., Webster.
 Dubuisson, E. B., at large, St. Landry.
 Dudenhefer, F., Orleans, 9th Rep. Dis.
 Dymond, John, Plaquemine.
 Estopinal, Albert, Sr., at large, St. Bernard.
 Ewing, Robert, Orleans, 10th Rep. Dis.
 Farrell, Peter, Orleans, 10th Rep. Dis.
 Faulkner, A. W., Caldwell.
 Favrot, Geo. K., at large East Baton Rouge.
 Fitzpatrick, John, Orleans, 3rd Rep. District.
 Flynn, Geo. W., at large, Orleans.
 Gately, Samuel T., Orleans, 4th Rep. District.
 Gordy, Minos T., Jr., Vermillion.
 Gray, William J., West Carroll.
 Haas, W. D., Avoyelles.
 Hall, W. P., DeSoto.

CONSTITUTION OF THE STATE OF LOUISIANA.

- Hart, William O., Orleans, 12th Rep. District.
- Henry, Samuel P., Cameron.
- Hester, Henry G., at large, Orleans.
- Hicks, T. A., St. Landry.
- Hirn, Joseph, Orleans, 8th Rep. Dis.
- Hudson, Fred G., Ouachita.
- Jenkins, B. F., DeSoto.
- Kernan, T. J., East Baton Rouge.
- Lambremont, Paul M., St. James.
- Landry, R. Clemile, Lafayette.
- Lawrason, S. McC., at large, West Feliciana.
- LeBlanc, Joseph E., Assumption.
- Leche, Paul, Ascension.
- Leclerc, Adolphe S., Orleans, 5th Rep. District.
- Lee, Robert E., Orleans, 2nd Rep. Dis.
- Lefebvre, Victor M., W. Baton Rouge.
- Liverman, H. T., at large, DeSoto.
- Long, Henry J., Jefferson.
- Lozano, Louis, Iberville.
- McBride, James L., Jackson.
- McCarthy, Henry C., Orleans, 2nd Rep. District.
- McCollam, Edward, at large, Terrebonne.
- McGuirk, Arthur, Orleans, 6th Rep. District.
- McRacken, James, Orleans, 5th Rep. District.
- March, Sidney H., Orleans, 1st Rep. District.
- Marrero, L. H., at large, Jefferson.
- Martin, Dr. G. W., St. Landry.
- Maxwell, F. L., at large, Madison.
- Meadors, John E., Claiborne.
- Moffett, A. W., Orleans, 13th Rep. Dis.
- Monroe, F. A., at large, Orleans.
- Montgomery, Geo. W., Madison.
- Moore, I. D., Orleans, 11th Rep. Dis.
- Moore, James E., Claiborne.
- Mouton, James E., St. Martin.
- Munson, Edward P., Assumption.
- Nunez, E. E., St. Bernard.
- O'Connor, Jas., at large, Orleans.
- Oakes, C. K., Vernon.
- Pipes, D. W., East Feliciana.
- Ponder, Amos L., Sabine.
- Porter, W. B., East Feliciana.
- Presley, Crawford A., Natchitoches.
- Price, Andrew, at large, Lafourche.
- Provosty, Oliver O., Pointe Coupee.
- Pugh, Phillip S., Acadia.
- Pujo, A. P., at large, Calcasieu.
- Ransdell, Joseph E., East Carroll.
- Richardson, D. W., Washington.
- Richardson, Thos. R., at large, Orleans.
- Sanders, J. Y., at large, St. Mary.
- Sellers, E. Thomas, Union.
- Semmes, Thos. J., Orleans, 3rd Rep. District.
- Sevier, George W., Madison.
- Shaffer, John D., Terrebonne.
- Sims, R. N., at large, Ascension.
- Snider, J. A., Bossier.
- Snyder, J. B., at large, Madison.
- Snyder, Robert H., Tensas.
- Soniat, Chas. T., at large, Orleans.
- St. Paul, John, at large, Orleans.
- Strickland, Milton A., St. Helena.
- Stringfellow, H. C., at large, Red River.
- Stubbs, F. P., at large, Ouachita.
- Sullivan, E. J., Rapides.
- Summerlin, John W., Richland.
- Tebault, Christopher H., Orleans, 3rd Rep. District.
- Thompson, J. M., at large St. Tammany.
- Thornton, J. R., Rapides.
- Wade, T. M., at large, Tensas.
- Ware, Jas. A., at large, Iberville.
- Watkins, L. K., at large, Webster.
- White, H. H., at large, Rapides.
- Wickliffe, Robert C., West Feliciana.
- Wilkinson, J. D., Red River.
- Wilson, Riley J., Catahoula.
- Wise, William H., Caldo.
- Youngs, Hicks L., St. Charles.
- Zengel, Fred, Orleans, 9th Rep. Dis.

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